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Tuesday
September 30, 1980

Highlights

64545 **Nuclear Safety Oversight Committee** Executive order.

64711 **Grant Program—Indians** HUD/CPD sets deadline for filing pre-applications for Community Development Block Grant Funds for Indian Tribes and Alaskan Natives for fiscal year 1981

64601 **Medicare/Medicaid** HHS/FDA exempts those transfusion services and clinical laboratories approved for Medicare/Medicaid reimbursement from FDA's registration and product listing requirements; comments by 10–30–80

64574, 64603 **Oil** Treasury/IRS provides temporary excise tax regulations in relation to base prices of tier 2 and 3 oil for purposes of windfall profit tax (2 documents)

64864, 64867 **Tariffs** CAB proposes to allow airlines to file tariffs that state prices as maximum amount; comments by 10–30–80 (Part VII of this issue) (2 documents)

64816 **Incorporation by Reference** Office of the Federal Register approves certain materials in Titles 42 through 50; effective 10–1–80 (Part III of this issue)

64800 **Improving Government Regulations** Treasury/IRS publishes semiannual agenda of significant and nonsignificant regulations (Part II of this issue)

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Highlights

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

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

64584 **Disaster Assistance** FEMA adds regulations concerning snow removal assistance; effective 10–30–80

64777 **Securities** Treasury/Sec'y announces 12⅛-percent interest rate on notes of Series F–1984

64757 **Law Enforcement** Justice proposes to settle case, *United States* v. *Wheelabrator-Frye, Inc. and Pullman Inc.*; comments by 12–1–80

64876 **Noise Pollution** EPA proposes noise emission standards for transportation equipment interstate rail carriers; comments by 11–14–80 (Part IX of this issue)

64856 **Clean Air** EPA proposes approval of 1982 ozone and carbon monoxide plan revisions for areas needing an attainment date extension; comments by 12–1–80 (Part VI of this issue)

64594 **Tobacco** USDA/ASCS invites comments by 10–24–80 on national marketing quotas for flue-cured tobacco for 1981–82 marketing year

64624, 64625 **Import** CITA announces additional import controls on certain cotton, wool and man-made fiber textile products from the Republic of Korea; effective 10–6–80

64588 **Peas** USDA/FCIC proposes procedures for insuring peas effective with 1981 and suceeding crop years; comments by 12–1–80

64547 **Flaxseed** USDA/CCC publishes regulations to provide price support program for flaxseed; effective 9–30–80

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64711 HHS/PHS
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64778 **Sunshine Act Meetings**

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The President

Executive Order 12240 of September 26, 1980

Nuclear Safety Oversight Committee

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the extended life of the Nuclear Safety Oversight Committee to the extent that funds are to be made available therefor, it is hereby ordered as follows:

1–101. Section 1–303 of Executive Order No. 12202 is amended by adding thereto the following sentence: "Beginning October 1, 1980, such support shall be provided in accordance with Section 213 of the Independent Offices Appropriations Act, 1945 (31 U.S.C. 696).".

1–102. Section 1–402 of Executive Order 12202 is amended to read, "The Committee shall terminate on September 30, 1981.".

1–103. In Section 1–102 of Executive Order No. 12202 the words "The membership of the Committee shall be composed of five persons" is amended to read, "The membership of the Committee shall be composed of six persons.

Jimmy Carter

THE WHITE HOUSE,
September 26, 1980.

FR Doc. 80–30447
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Rules and Regulations

Federal Register
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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 929

Cranberries Grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action authorizes expenses and a rate of assessment for the 1980–81 fiscal period, to be collected from handlers to support activities of the Cranberry Marketing Committee which locally administers the Federal marketing order covering cranberries.

DATES: Effective September 1, 1980, through August 31, 1981.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant". This final rule is issued under Marketing Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in certain specified States. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Cranberry Marketing Committee, and other available information. It is found that the expenses and rate of assessment, as hereafter provided, will tend to effectuate the declared policy of the act.

This action was recommended at a public meeting at which all present could state their views. There is insufficient time between the date when information became available upon which this final rule is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The order requires that the rate of assessment for a particular fiscal period shall apply to all assessable cranberries handled from the beginning of such year which began September 1, 1980. To enable the committee to meet fiscal obligations which are now accruing, approval of the expenses and assessment rate is necessary without delay. It is necessary to effectuate the declared purposes of the act to make this provision effective as specified, and handlers have been apprised of such provision and of the effective time.

Therefore, a new § 929.221 is added to read as follows: (this section is effective through August 31, 1981, and will not be published in the annual Code of Federal Regulations):

§ 929.221 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the period September 1, 1980, through August 31, 1981, will amount to $75,490.

(b) The rate of assessment for said period payable by each handler in accordance with § 929.41 is fixed at $0.03 per barrel or equivalent quantity of cranberries.

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

Dated: Sept 25 1980.

D. S. Kuryloski,

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

[FR Doc. 80-30173 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support—1980-Crop Flaxseed Supplement]

1980-Crop Flaxseed Purchase Program; Grain and Similarly Handled Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the availability dates, the final purchase rates and the discounts under which the Commodity Credit Corporation (CCC) will extend price support to producers on 1980-crop flaxseed. This rule is needed in order to provide a price support program for flaxseed. This supplement also enables eligible flaxseed producers to enter into purchase agreements on their eligible 1980-crop flaxseed.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Eloise V. Mauck, Price Support and Loan Division, ASCS, Room 3748 South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–7923. This regulation contains necessary operating provisions needed to implement the 1980-crop flaxseed purchase program and the national average support rate for flaxseed which was announced March 28, 1980. A Final Impact Statement has been prepared and is available on request from Harry Sullivan, Program Specialist, Production Adjustment Division, ASCS, Room 3611, South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–7951.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under the USDA Criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria.

In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulation" (43 FR 50988), initiation of review of the regulations contained in 7 CFR 1421.175–.177 for need, currency, clarity, and effectiveness will be made within the next five years.

The title and number of the federal assistance program that this Final Rule

applies to is: Title—Commodity Loans and Purchases; Number—10.051; as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB circular A–95 was not used to assure that units of local government are informed of this action.

A notice of proposed rulemaking was published in the **Federal Register** on September 14, 1979, (44 FR 53525) stating that the Department of Agriculture proposed to make determinations and issue regulations regarding a price support program for the 1980 crop of flaxseed. Such determinations included the type of price support program to be offered, the level of support and related operating provisions. Producers were given until November 13, 1979 to respond. No responses were received. It has been determined that a purchase program will be conducted for 1980-crop flaxseed and that the national average purchase rate for 1980-crop flaxseed will be $4.50 per bushel. The national average purchase rate of $4.50 per bushel for the 1980 crop of flaxseed is based upon producer's ability to keep supplies of flaxseed in reasonable balance with demand. The basic purchase rates established by CCC as stated herein are determined on the basis of Section 403 of the Agricultural Act of 1949, as amended.

Final Rule

Accordingly, the General Regulations Governing Price Support for the 1978 and Subsequent Crops, and any amendments thereto, and the 1978 and Subsequent Crops Flaxseed Loan and Purchase Program, and any amendments thereto, found at 7 CFR 1421.175, 1421.176 and 1421.177, are further revised as provided below effective as to the 1980 crop of flaxseed.

The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1980-Crop Flaxseed Purchase Program

Sec.
1421.175 Purpose.
1421.176 Availability.
1421.177 Purchase rates and discounts.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 401, 63 Stat. 1054, as amended (7 U.S.C. 1447, 1421).

§ 1421.175 Purpose.

This subpart contains program provisions which together with the 1978 and Subsequent Crops Flaxseed Loan and Purchase Program regulations and the General Regulations Governing Price Support for 1978 and Subsequent Crops, and any amendments to such regulations, set forth the requirements with respect to purchases of 1980-crop flaxseed.

§ 1421.176 Availability.

Producers desiring to offer eligible flaxseed for purchase by CCC must complete a purchase agreement (Form CCC–614) in the ASCS office on or before May 31, 1981, for flaxseed in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before April 30, 1981, for flaxseed in all other States. Purchases will be made by CCC from producers with completed purchase agreements after the above dates.

§ 1421.177 Purchase rates and discounts.

(a) *Basic purchase rates (counties).* Basic purchase rates per bushel are established for flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture and are as follows:

County	Rate per bushel
Minnesota	
Becker	$4.57
Beltrami	4.64
Big Stone	4.61
Blue Earth	4.67
Brown	4.65
Carlton	4.71
Carver	4.69
Chippewa	4.65
Clay	4.57
Clearwater	4.61
Cottonwood	4.63
Dakota	4.69
Dodge	4.69
Douglas	4.63
Faribault	4.66
Fillmore	4.66
Freeborn	4.67
Goodhue	4.69
Grant	4.61
Hennepin	4.71
Hubbard	4.62
Itasca	4.69
Jackson	4.62
Kandiyohi	4.67
Kittson	4.52
Koochiching	4.62
Lac Qui Parle	4.63
Lake of the Woods	4.54
Le Sueur	4.69
Lincoln	4.59
Lyon	4.62
McLeod	4.69
Mahnomen	4.57
Marshall	4.56
Martin	4.64
Meeker	4.69
Mower	4.67
Murray	4.60
Nicollet	4.67
Nobles	4.59
Norman	4.57
Olmsted	4.68
Otter Trail	4.60
Pennington	4.56
Pipestone	4.58
Polk	4.57
Pope	4.65
Ramsey	4.69
Red Lake	$4.56
Redwood	4.65
Renville	4.67
Rice	4.69
Rock	4.56
Roseau	4.53
St. Louis	4.71
Scott	4.69
Sibley	4.69
Stearns	4.67
Steele	4.69
Stevens	4.63
Swift	4.65
Todd	4.65
Traverse	4.59
Wabasha	4.69
Waseca	4.69
Washington	4.69
Watonwan	4.65
Wilkin	4.58
Winona	4.67
Wright	4.69
Yellow Medicine	4.65
State Wght. Avg.	4.57
Montana	
Carter	4.29
Custer	4.25
Daniels	4.26
Dawson	4.30
Fallon	4.30
McCone	4.28
Powder River	4.23
Prairie	4.27
Richland	4.30
Roosevelt	4.29
Sheridan	4.28
Valley	4.24
Wibaux	4.31
All other counties	4.18
State Wght. Avg.	4.27
North Dakota	
Adams	4.33
Barnes	4.52
Benson	4.42
Billings	4.34
Bottineau	4.35
Bowman	4.32
Burke	4.31
Burleigh	4.43
Cass	4.54
Cavalier	4.45
Dickey	4.50
Divide	4.30
Dunn	4.36
Eddy	4.45
Emmons	4.43
Foster	4.48
Golden Valley	4.31
Grand Forks	4.52
Grant	4.39
Griggs	4.50
Hettinger	4.36
Kidder	4.46
LaMoure	4.50
Logan	4.46
McHenry	4.36
McIntosh	4.46
McKenzie	4.30
McLean	4.36
Mercer	4.38
Morton	4.40
Mountrail	4.31
Nelson	4.48
Oliver	4.38
Pembina	4.49
Pierce	4.38
Ramsey	4.46
Ransom	4.55
Renville	4.33
Richland	4.56
Rolette	4.38
Sargent	4.54
Sheridan	4.38
Sioux	4.41
Slope	4.36
Stark	4.36
Steele	4.52
Stutsman	4.49
Towner	4.40
Traill	4.53

County	Rate per bushel
Walsh	$4.51
Ward	4.33
Wells	4.42
Williams	4.30
State Wght. Avg.	4.44
South Dakota	
Aurora	4.47
Beadle	4.51
Bennett	4.37
Bon Homme	4.48
Brookings	4.56
Brown	4.51
Brule	4.46
Buffalo	4.47
Butte	4.30
Campbell	4.42
Charles Mix	4.44
Clark	4.54
Clay	4.50
Codington	4.56
Corson	4.38
Custer	4.34
Davison	4.48
Day	4.54
Deuel	4.59
Dewey	4.37
Douglas	4.45
Edmunds	4.48
Fall River	4.34
Faulk	4.49
Grant	4.58
Gregory	4.44
Haakon	4.40
Hamlin	4.56
Hand	4.49
Hanson	4.48
Harding	4.32
Hughes	4.46
Hutchinson	4.47
Hyde	4.47
Jackson	4.39
Jerauld	4.48
Jones	4.43
Kingsbury	4.53
Lake	4.53
Lawrence	4.30
Lincoln	4.50
Lyman	4.44
McCook	4.49
McPherson	4.46
Marshall	4.53
Meade	4.34
Mellette	4.42
Miner	4.51
Minnehaha	4.52
Moody	4.56
Pennington	4.35
Perkins	4.34
Potter	4.46
Roberts	4.56
Sanborn	4.49
Shannon	4.36
Spink	4.52
Stanley	4.46
Sully	4.46
Todd	4.40
Tripp	4.42
Turner	4.48
Union	4.50
Walworth	4.44
Yankton	4.50
Ziebach	4.35
State Wght. Avg.	4.54
Texas (Special Purchase Program Only Counties)	
Atascosa	4.30
Bee	4.39
Bell	4.23
Bexar	4.29
Caldwell	4.27
Calhoun	4.32
Comal	4.27
DeWitt	4.31
Dimmit	4.19
Duval	4.33
Frio	4.26
Goliad	4.37
Gonzales	$4.29
Guadalupe	4.28
Hidalgo	4.26
Jackson	4.30
Jim Wells	4.38
Karnes	4.36
Kleberg	4.38
Lamar	4.13
Live Oak	4.37
McMullen	4.32
Matagorda	4.31
Nueces	4.41
Refugio	4.40
San Patricio	4.41
Victoria	4.34
Wharton	4.33
Wilson	4.33
State Wght. Avg.	4.35

(b) *Discounts.* The basic purchase rate shall be adjusted, as applicable by the following discounts.

(1) *Test weight.* Three cents for each pound under 49 pounds to 42 pounds and 4 cents for each ½ pound under 42 pounds.

(2) *Heat damage.* One-half cent for each .1 of one percent over .2 of one percent.

(3) *Moisture.* Two cents for each ½ of one percent over 9.5 percent to 11 percent, and 3 cents for each ½ of one percent over 11 percent.

(4) *Weed control law (where required by § 1421.25).* Fifteen cents per bushel.

(5) *Other factors.* Flaxseed that is (i) weevily, (ii) musty, or (iii) sour, shall not be eligible for purchase. In the event quantities of flaxseed exceeding the limits shown in paragraph (b) of this section are inadvertently accepted by CCC, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes. Such discount will be established not later than the time of delivery of the flaxseed to CCC and will be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the expiration of their purchase agreement.

Signed at Washington, D.C. on September 19, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-30053 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Harris County in Texas, a portion of Jackson County in Missouri, a portion of Houston County in Minnesota, and a portion of Los Angeles County in California because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Harris County, Texas, on September 17, 1980; Jackson County, Missouri, on September 18, 1980; Houston County, Minnesota, on September 18, 1980; and Los Angeles County, California, on September 13, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected areas.

EFFECTIVE DATE: September 24, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: These amendments quarantine a portion of Harris County in Texas, a portion of Jackson County in Missouri, a portion of Houston County in Minnesota, and a portion of Los Angeles County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3 (a)(2)(ii), (a)(3), (a)(4), (a)(5), are added to read:

§ 82.3 Areas quarantined.

(a) * * *

(2) *California.* * * *

(ii) The premises of David Mohilef, 735 East Hyde Park Blvd., Inglewood, Los Angeles County.

* * * * *

(3) *Texas.* The premises of Pet Shop and Bird Clinic, Inc., 3118 Smith, Houston, Harris county.

* * * * *

(4) *Missouri.* The premises of Midwest Pets, 1527 Grand, Kansas City, Jackson County.

* * * * *

(5) *Minnesota.* The premises of Far-Vu Feathers, Route 1, La Cresent, Hoka T., sec. 2, Pt SW¼, NE¼, Houston County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

These amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C. this 24th day of September 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-30234 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine an additional portion of Harris County in Texas because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Harris County, Texas, on September 19, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected area.

EFFECTIVE DATE: September 24, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: This amendment quarantines an additional portion of Harris County in Texas because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3(a)(3) relating to the State of Texas, a new paragraph (ii) relating to Harris County is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(3) *Texas.* * * *

(ii) The premises of Dr. R. Ann Mayes, 110 Carl Street, Lot 7, Block 62, Allen J. Austin Subdivision, Houston, Harris County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

This amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 24th day of September 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-30235 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of San Diego County in California, a portion of Summit County and a portion of Barberton County in Ohio, a portion

of Du Page County in Illinois, and a portion of Maricopa County in Arizona because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of San Diego County, California, on September 20, 1980; Summit County, Ohio, on September 21, 1980; Barberton County, Ohio, on September 19, 1980; Du Page County, Illinois, on September 22, 1980; and Maricopa County, Arizona, on September 19, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected areas.

EFFECTIVE DATE: September 24, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: These amendments quarantine a portion of San Diego County in California, a portion of Summit and Barberton Counties in Ohio, a portion of Du Page County in Illinois, and a portion of Maricopa County in Arizona because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3(a)(2)(iii) and the introductory portions of (a)(6), (a)(7), and (a)(8) are added to read:

§ 82.3 Areas quarantined.

(a) * * *

(2) *California.* * * *

(iii) The premises of Blue Pacific Pet Shop, 4828 Newport Avenue, San Diego, San Diego County.

* * * * *

(6) *Ohio.* (i) The premises of Birds of Paradise, 1718 Adelaide, Akron, Summit County.

(ii) The premises of Petland, 3200 Greenwich Road, Norton, Barberton County.

* * * * *

(7) *Illinois.* The premises of Bird Mart, 7701 S. Grant Avenue, Burr Ridge, Du Page County.

* * * * *

(8) *Arizona.* The premises of Scottsdale Bird Sales, 8403 North 75th Street, Scottsdale, Maricopa County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141).

These amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 24th day of September 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-30236 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

Section 503 Development Company Program Implementation

AGENCY: Small Business Administration.

ACTION: Final SBA procedures.

SUMMARY: The Small Business Administration is publishing its procedures to implement § 113(a) of Public Law 96–302 (94 STAT. 833). The procedures state the rules under which the Small Business Administration will implement the Section 503 development company program enacted on July 2, 1980. The regulations define the section 503's certification and application process, the program's eligibility and operational requirements, and the terms and conditions under which financing will be made available to participating 503 companies.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Alan B. Abraham, Financial Analyst, Office of Associate Administrator for Financial Assistance, Small Business Administration, Washington, D.C. 20416, (202) 653–6470.

SUPPLEMENTARY INFORMATION: On August 13, 1980, SBA published (45 FR 53835) its proposed procedures. Public comment was invited to September 11, 1980. A total of 60 comments on the various provisions were received.

There were many comments concerning the membership requirements and area of operation of a 503 development company, and these were changed to permit greater participation by small communities.

Many comments were critical of the portfolio and utilization of funds requirements placed on state development companies participating in the program. These requirements have been deleted to permit broader participation by state development companies.

It was suggested that language was too restrictive regarding proof of inability to obtain credit elsewhere. After due consideration, the provision was amended to liberalize the Agency's requirements of such proof.

Some comments suggested increasing the servicing fee which development companies may charge. These comments were primarily from development companies servicing rural communities. This provision was changed to permit some flexibility in unusual circumstances, after written approval by SBA.

The proposed provision regarding partial tax-exempt financing of development company projects was based on the Agency's interpretation of the intent of Congress as expressed in the conference report accompanying Public Law 96–302. Many comments were received and all were favorable. The proposed provision has not been amended.

The proposed provision prohibiting 503 development companies' participation in other SBA programs

received some unfavorable comment. It remains unchanged to prevent administrative problems associated with conflicting regulations from program to program. It does not prohibit participation by associate concerns in such other programs.

Other technical changes have been made in the final regulations in response to public comments received on this program.

Pursuant to authority contained in section 308(c) of the Small Business Investment Act of 1958 (SBI Act), 15 U.S.C. 687, the following regulations to Chapter 1, Part 108 of Title 13, of the Code of Federal Regulations, is being amended by adding §§ 108.503 through 108.503–8 to read as follows:

§ 108.503 Statutory provisions.

The relevant statutory provisions will be found at 15 USC 697 (94 Stat. 837).

(Sec. 308(c) of the Small Business Investment Act of 1958, 15 USC 687, as amended)

§ 108.503–1 Eligibility requirements.

SBA is authorized to guarantee the timely payment of all principal and interest as scheduled on any debenture issued by any qualified state or local development company. The full faith and credit of the United States is pledged to the payments of all amounts so guaranteed. Such debentures (herein sometimes referred to as 503 debentures) will be issued within certain limits solely for the purpose of assisting identifiable small business concerns to finance plant acquisition, construction, conversion, or expansion, including the acquisition of land. Plant construction includes the acquisition and installation of machinery and equipment. For the purpose of this section, state and local development companies qualified to participate in this program (herein sometimes referred to as "503 companies") shall be formally certified by SBA on the terms and conditions contained herein, consistent with the intent of Congress. To qualify, a development company must demonstrate to the satisfaction of SBA that it has:

(a) *Capability.* Capability will include: (1) a full-time professional staff as required by such company, with capability to package, process, close and service its loans; (2) professional management ability, including adequate accounting, legal and business-servicing abilities. Business-servicing ability means the ability to provide management advice and services to small business concerns. Such capabilities as set forth under (1) and (2) of this subsection may be drawn from the staff, the board or membership of the development company or acquired on a contractual basis, from qualified individuals or organizations who reside or do business in the development company's defined area of operation, subject to SBA approval; and (3) a board of directors, or membership, which meets on a regular basis to make management decisions for such company including decisions relating to the making and servicing of loans by such company. A 503 company must have at least five directors who meet at least once in every other month and must be representative of the region or community as stated in subsection (b) below.

(b) *Membership.* (1) The 503 company must be representative of the region or community in which the company operates. Evidence of such representation shall include participation by at least 2 of the following 4 groups:

(i) Local Government

(ii) A Private Sector Lending Institution

(iii) Community Organization

(iv) Business Organization

(2) The 503 company must have at least 25 individual members or stockholders, and a defined area of operation which must be less than state-wide for a local development company.

(3) A state development company is a corporation organized under or pursuant to a special legislative act to operate on a state-wide basis. The capital for a state-wide development company must be derived from corporate holders or corporate members, each of whom may not have more than 10% of the voting control of the state development company

(c) *Good character and reputation.* A proposed 503 company must possess good character and reputation. Such company will be deemed to possess good character and reputation if all the holders of its voting power and all members of its management possess good character and reputation. Good character and reputation shall be presumed absent if such holders or management are currently incarcerated, on parole or probation following conviction of a serious offense, or when probation or parole is lifted solely for qualification under this program.

(d) *Sole Purpose Intention.* A 503 company shall operate pursuant to Title V of the Small Business Investment Act (Loans to State and Local Development Companies) and shall not participate in any other SBA program.

§ 108.503–2 Application procedures.

Applications for certification as a 503 company should be submitted on Form 503, which is hereby made a part of these regulations, to the SBA field office serving the area in which the prospective 503 company is located. The field office shall forward the application, along with its recommendation, to the Associate Administrator for Financial Assistance, Washington, D.C., for final determination of eligibility. Qualified companies shall receive a certificate evidencing eligibility for participation in this program.

§ 108.503–3 Operational requirements.

(a) *Participation by the Development Company.* (1) A 503 company will ordinarily be required to inject into the project an amount equal to 10 percent of the funds necessary to complete a given project. The 10% injection may come from any source, including the project concern. [SBA may permit a lesser amount in extreme hardship cases, where a project important to the community would otherwise be lost to the community.] For the purpose of this section, the 503 company may inject cash and property at fair market value received in exchange for shares of stock issued by the 503 company, or cash and such property contributed to the 503 company without conditions, or cash and such property for which the development company is indebted on a subordinated basis.

(2) Subject to paragraph (1) of this subsection, a 503 company's injection may also be derived, by way of example and not of limitation, from money contributed to the 503 company by state or local government, banks, or other financial institutions, or the small business concern (or such small business concern's owners, stockholders or affiliates) receiving assistance from the 503 company.

(3) Contributions or loans to the 503 company for inclusion in such company's participation in the cost of a given project may not be conditioned on the granting of voting rights, stock options, or any other type of financial interest in or control of the 503 company or the small business concern being assisted.

(4) The maximum rate the 503 company may charge on its participation in a project shall be legal and reasonable.

(b) *Place of Business.* Each 503 company shall maintain a reasonably accessible place of business which will display the section 503 development company certificate, shall have a separately listed telephone number, and shall be open to the public during normal business hours.

(c) *Level of Activity.* In order to meet the needs of the small business

community in its defined area of operation a 503 company shall be required to conduct active operations. For the purposes of this section, a 503 company shall be presumed to be inactive if, during any full fiscal year, it has not been of significant assistance to at least one small business concern: *Provided, however,* That written justification for inactivity promptly filed by the 503 company and acceptable to SBA may rebut the presumption. "Significant", for purposes of this subsection, means assistance utilizing a 503 debenture or Section 501 or 502 Financing.

(d) *Records and Reports.* (1) A 503 company shall submit to SBA, within 90 days after the end of each fiscal year, an annual report containing financial statements, management information (including a summary of the minutes from meetings of the board of directors), a full activity report in narrative form and data that analyze the impact of its assistance on small business concerns. When requested by SBA, interim reports of a similar nature may be required. The reports are to be prepared in accordance with the Guide for the Preparation of the Annual Report. The annual report shall be filed in duplicate with the SBA field office serving the area in which the 503 company is located, on or before the last day of the third month following the end of the fiscal year, and in the case of interim reports, within the period stated in the SBA request therefor.

(2) The financial statement contained in the annual report shall be audited by an independent public accountant satisfactory to SBA. Where this may cause an undue hardship to the 503 company, SBA may grant an appropriate waiver of this requirement. SBA reserves the right to request additional information or explanations on the reports required by this subsection.

(3) *Changes to be reported.* Any change in stockholdings or membership in a 503 company or in its board of directors shall be reported to SBA in the report required by paragraph (1) of this subsection, or at an earlier time when an application pursuant to § 108.503–4 is filed.

(e) *Examination.* Each 503 company shall be subject to the same examination requirements, and the fee payment therefor, as are established for Subsection (b) Lenders in § 120.7 of these regulations. Upon a showing of undue hardship, the examination fee may be waived by SBA.

(f) *Restrictions.*

(1) A 503 company is prohibited from owning any equity interest in a small business concern which has received section 503 assistance.

(2) Proceeds from the sale of a section 503 debenture may not be used for working capital purposes.

(3) A 503 company's injection pursuant to § 108.503–3(a) may not be repaid at a faster rate than the repayment on SBA's guaranteed 503 debenture.

(4) No officer, director, or person or group of persons controlling as much as 10 percent of the voting power of the 503 company, may be an officer, director, or in control of a small business concern receiving assistance, or a close relative of such persons. For definitions of "control," see § 121.3–2(a), and of "close relative," see § 120.1(d)(3)(i) of these regulations.

§ 108.503–4 Financing.

(a) *Method and Amount.* Upon application to the field office described in § 108.503–2, and subject further to the provisions of § 108.503–6, SBA may guarantee 503 debentures to be sold by 503 companies with such guarantee under the following conditions:

(1) Such debenture is issued for the purpose of assisting an identifiable small business concern in accomplishing a sound business purpose in compliance with the regulations of this Chapter. A 503 company that has demonstrated management ability, adequate financial capacity, and has shown an active use of this program may, with SBA Central Office prior approval, be allowed to have multiple loans from each 503 debenture.

(2) Each loan to be made from the debenture proceeds is approved by SBA.

(3) The aggregate amount of such debenture does not exceed the amount of the loan or loans to be made from the proceeds of such debenture (other than any excess attributable to the administrative costs of such loan).

(4) The amount of any loan to be made from such debenture proceeds does not exceed an amount equal to 50 percent of the total cost of the project with respect to which the loan is made. The maximum possible private participation shall be required in each project, but at least 50 percent of each project cost must be provided from non-Federal sources, which may not include assistance under Sections 501 and 502 of the Act.

(5) The total amount of guaranteed debentures outstanding at any one time for each identifiable small business concern and its affiliates shall not exceed the statutory limitation of SBA's Development Company Program pursuant to Section 502 of the Small Business Investment Act, 15 U.S.C. 687.

(6) A 503 company may prepay a 503 debenture in an amount sufficient to compensate the purchaser for accelerated repayment of the 503 debenture; provided, however, that no fee or penalty may be charged without prior written approval from SBA.

(7) SBA may permit subordination of a 503 debenture to any other debenture, promissory note, or other debt or obligation of such company, except any obligation incurred by such company to satisfy the requirement of its participation pursuant to § 108.503(a)(1).

(b) *Collateral.* All loans to small business concerns provided from the proceeds of the sale of 503 debentures shall be so secured as SBA determines reasonably to assure repayment. SBA shall require that the 503 company's injection pursuant to § 108.503–3(a) be subordinated to the loan made from the proceeds of the 503 debenture. In the event of default on the debenture, the liability of the 503 company to SBA as guarantor shall be limited to all payments made by the small business concern to the 503 company that have not yet been transmitted to SBA and the collateral securing the defaulted loan. A pledge of additional collateral may be required from the small business concern when SBA determines that such additional collateral is necessary. In the event personal guarantees are obtained from one or more principals of a small business concern, such guarantee agreement shall waive any right of recovery from the 503 company. All collateral shall be insured against such hazards and risks as SBA may require.

(c) *Participation with tax-exempt obligations.* SBA may participate in projects whose other sources of financing include, or are collateralized by, tax-exempt obligations. Further, loans made with the proceeds of 503 debentures may be subordinated to such obligations.

(d) *Interest rate.* The interest rate on section 503 debentures shall not be less than a rate determined from time-to-time by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable U.S. obligations with comparable maturities. Such rate can be obtained from the field office described in § 108.503–2.

(e) *Debenture conditions.* The maturity of any section 503 debenture shall not exceed 25 years. The 503 company shall require the small business concern to make the requisite payments in sufficient time to ensure timely payment by the 503 company. In the case of a lease agreement between the 503 company and a small business concern, SBA shall generally require a lease term no shorter than the term of the debenture.

(f) *Use of proceeds.* At the time of disbursement to the 503 company, such company shall submit evidence satisfactory to SBA that the proceeds will be used in accordance with the statutory purpose. Such evidence shall include, but not be limited to, proof that the small business concern has the right to use the Plant for at least as long as the term of the debenture, whether (1) by lease of the Plant, (2) by lease of the Plant with option in the small business concern to purchase such Plant, or (3) by loan of the proceeds for the acquisition of the Plant by the small business concern.

§ 108.503–5 Cost of money to small business concerns.

(a) *Contract Terms.* The contract between the 503 company and the small business concern shall set forth terms acceptable to such concern that will provide the 503 company with total funds not to exceed those necessary:

(1) to repay with interest the section 503 debenture;

(2) to pay taxes and insurance on the Plant;

(3) to cover administrative costs of the loan; these costs may be recovered by charging a reasonable processing fee, not to exceed one and one-half (1.5) percent of the amount of the debenture, payable at closing, and a periodic service charge not to exceed 2 percent (2.0) per annum on the outstanding balance of the debenture, provided however that a service charge in excess of one-half of one (0.5) percent may not be charged without the prior written approval of SBA. Such approval must be based on evidence of substantial need, satisfactory to SBA.

(b) *Disclosure of Charges.* The debenture application and the annual report submitted to SBA by the 503 company shall disclose the full amount of all fees and charges, together with names of the recipients and a description of the services rendered therefor.

§ 108.503–6 Availability of financing from private sources.

(a) *Other lenders.* (1) Application for financial assistance will not be accepted for processing and no assistance may be extended unless the 503 company can demonstrate to the satisfaction of SBA that the desired financing is not available from non-Federal sources on reasonable terms. Such evidence shall include a written certification from the first mortgage lender and the small business concern's bank of account stating that such financing is not available to the small business concern at the interest rate and terms prevalent in that community.

(b) *Principals of concern receiving assistance.* The availability of personal resources of the owner or owners of the small business concern shall not disqualify a project for this program.

§ 108.503–7 Compliance with other laws.

All projects financed with federal assistance are subject to all applicable laws, including (without limitation) the civil rights laws (see Part 112 and 113 of these regulations, as well as Part 117 when adopted).

§ 108.503–8 Suspension and revocation of eligibility.

(a) *Violations.* SBA reserves the right to revoke the eligibility of any 503 company or to suspend temporarily the eligibility of any 503 company in the case of a violation of law, SBA regulations, any agreement with SBA, or of any failure to comply with operational requirements (§ 108.503–2): *Provided, however,* That such revocation or suspension shall not invalidate any guarantee previously issued by SBA.

(b) *Notification of suspension of revocation.* SBA shall serve notice on the 503 company of its intention to revoke or suspend such company's eligibility (Notice). Such Notice shall set forth in detail the basis for SBA's intention. The Notice shall be served upon the 503 company by registered or certified mail, return receipt requested, addressed to the said company's principal business office.

(c) *Service of papers other than the Notice.* Papers other than the Notice may be served upon a 503 company as provided in paragraph (b) of this section, or by service in the manner provided therein upon an attorney at law or other agent designated by such company.

(d) *Service of papers upon SBA.* Papers in connection with the suspension or revocation of a 503 company's eligibility shall be served upon SBA by:

(1) Delivery to the Associate Administrator for Financial Assistance, SBA, 1441 L Street, NW., Washington, D.C. 20416; or

(2) Registered or certified mail, return receipt requested, addressed to the Associate Adminstrator for Financial Assistance at the above listed address.

(e) *Effect of failure to respond.* The revocation or temporary suspension of a 503 company's eligibility to participate shall become effective as of the close of business on the tenth day following receipt of the Notice unless, prior to the expiration of the aforementioned time period, SBA shall receive notice of such company's intention to submit an answer.

(f) *Answer.* A 503 company that has notified SBA of its intention to file an answer shall be given twenty additional days to submit to SBA such answer, including briefs and affidavits, showing why its eligibility should not be suspended or revoked. SBA may, in its sole discretion, extend the period permitted hereunder for the filing of an answer. Suspension or revocation of the eligibility of any 503 company that has filed an answer shall be held in abeyance pending final determination by SBA.

(g) *Initial decision.* SBA's Notice, together with the said company's answer thereto, including briefs and affidavits, shall be referred by the Associate Administrator for Financial Assistance to an SBA employee designated by him/her (designee) for initial determination of any material issues of fact or of law. No person who has participated in the preparation or approval of the notice to such company, or in any investigation or other fact-finding procedure in connection therewith shall participate in the preparation of the initial determination; and no person who has participated in such company's case, as aforesaid, shall communicate with, or otherwise attempt to influence the initial decision of the designee, who shall as soon as possible prepare proposed findings and conclusions and present them to the Associate Administrator for Financial Assistance.

(h) *Final decison.* The decision of the Associate Administrator for Financial Assistance shall give appropriate weight to the recommended findings and conclusions of the designee and shall, without further proceedings, be the final decision of SBA.

(i) *Effect of Decision.* Suspension or revocation of a 503 company's eligibility to participate with SBA shall become effective upon such company's receipt of notification of the SBA's decision, but shall not relieve that company from its obligation to service any loan made in participation with SBA, nor any other obligation arising out of, or out of the breach of, any agreement with SBA, or any regulation promulgated by SBA.

(Catalog of Federal Domestic Assistance No. 59.013 State and Local Development Company Loans)

Dated: September 25, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-30301 Filed 9-29-80; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3037]

Claude M. Blair; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an individual whose principal place of business is located at the National City Corporation in Cleveland, Ohio, from serving simultaneously as a director of two or more competing companies, any one of which has capital, surplus, and undivided profits aggregating more than one million dollars and revenues that exceed the lesser of ten million dollars, or one percent of the corporation's total revenues.

DATES: Complaint and order issued August 21, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Thursday, June 12, 1980, there was published in the **Federal Register**, 45 FR 39864, a proposed consent agreement with analysis In the Matter of Claude M. Blair, an individual, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45); sec. 8, 38 Stat. 732; 49 Stat. 717; (15 U.S.C. 19))

Carol M. Thomas,

Secretary.

[FR Doc. 80-30065 Filed 9-29-80; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

16 CFR Part 13

[Docket No. C-3035]

Midland-Ross Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Cleveland, Ohio corporation from having as a director any individual who also serves as a director of a competitive company whose revenues exceed the lesser of ten million dollars, or one percent of the company's total annual revenues.

DATES: Complaint and order issued August 21, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Thursday, June 12, 1980, there was published in the **Federal Register**, 45 FR 39864, a proposed consent agreement with analysis In the Matter of Midland-Ross Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45); sec. 8, 38 Stat. 732; 49 Stat. 717; (15 U.S.C. 19))

Carol M. Thomas,

Secretary.

[FR Doc. 80-30066 Filed 9-29-80; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

16 CFR Part 13

[Docket No. C-3036]

Narco Scientific, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Fort Washington, Pa. corporation from having as a director any individual who also serves as a director of any competitive company whose revenues exceed the lesser of ten million dollars or one percent of the company's total annual revenues.

DATES: Complaint and order issued August 21, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Thursday, June 12, 1980, there was published in the **Federal Register**, 45 FR 39864, a proposed consent agreement with analysis In the Matter of Narco Scientific, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

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

[1] Copies of the Complaint and the Decision and Order filed with the original document.

U.S.C. 45); sec. 8, 38 Stat. 732; 49 Stat. 717 (15 U.S.C. 19))

Carol M. Thomas,

Secretary.

[FR Doc. 80-30068 Filed 9-29-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3038]

William C. Musham; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an individual whose principal place of business is located at Gould, Inc, in Rolling Meadows, Ill. from serving simultaneously as a director of two or more competing companies, any one of which has capital, surplus, and undivided profits aggregating more that one million dollars; and revenues that exceed the lesser of ten million dollars or one percent of the corporation's total revenues.

DATES: Complaint and order issued August 21, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Thursday, June 12, 1980, there was published in the Federal Register, 45 FR 39864, a proposed consent agreement with analysis In the Matter of William C. Musham, and individual, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45) sec. 8, 38 Stat. 732; 49 Stat. 717 (15 U.S.C. 19))

Carol M. Thomas,

Secretary.

[FR Doc. 80-30067 Filed 9-29-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9110]

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

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires a New York City publishing firm and its Chicago, Ill. subsidiary, LaSalle Extension University, among other things, to cease, in connection with the advertising and sale of correspondence courses, misrepresenting the school's admission policy; the need or demand for graduates of their courses; the employment prospects and potential earnings available to them; and the requirements or qualifications necessary to obtain employment in their chosen fields. Advertisements containing any job or earnings claim must include a disclaimer stating that "Graduation from this course does not guarantee you will get a job;" and testimonials which do not reflect the typical student experience must advise that the described experience is atypical. Further, if respondents represent to any prospective student that there is an employment demand for graduates of a relevant course, they must clearly and conspicuously disclose specified information regarding the vocation success rate of previous students. Additionally respondents are prohibited from misrepresenting or failing to disclose material facts concerning a student's financial obligations upon enrollment, and right to cancellation and refund.

DATES: Complaint issued May 23, 1978. Final order issued Sept. 4, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Paul W. Turley, Director, 3R, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353-4423.

SUPPLEMENTARY INFORMATION: In the Matter of MacMillan, Inc., a corporation, and LaSalle Extension Univesity, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.15 Business Status, Advantages or Connections; 13.15–20 Business Methods And Policies; 13.15–35 Contracts And Obligations; 13.15–255 Reputation, Success, Or Standing; § 13.55 Demand, Business Or Other Opportunities; § 13.60 Earnings And Profits; § 13.110 Endorsements, Approval And Testimonials; § 13.143 Opportunities; § 13.160 Promotional Sales Plans; § 13.175 Quality Of Product Or Service; § 13.190 Results; § 13.205 Scientific Or Other Relevant Facts; § 13.250 Success, Use Or Standing; § 13.285 Value. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming Or Using Endorsements Or Testimonials Falsely Or Misleadingly. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective Actions And/Or Requirements; 13.533–20 Disclosures; 13.533–45 Maintain Records; 13.533–55 Refunds, Rebates And/Or Credits. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1610 Demand For Or Business Opportunities; § 13.1615 Earnings And Profits; § 13.1670 Jobs And Employment; § 13.1715 Quality; § 13.1725 Refunds; § 13.1730 Results; § 13.1740 Scientific Or Other Relevant Facts; § 13.1760 Terms And Conditions; 13.1760–50 Sales Contract. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations Of Product; § 13.1892 Sales Contract, Right-To-Cancel Provision; § 13.1895 Scientific Or Other Relevant Facts; § 13.1905 Terms and Conditions; 13.1905–50 Sales Contract. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1935 Earnings and Profits; § 13.2015 Opportunities In Product Or Service; § 13.2063 Scientific Or Other Relevant Facts.

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

The Final Order is as follows:

Final Order

On June 12, 1980 the Commission stayed the effective date of the unappealed Initial Decision in this matter, pending a determination whether or not the matter should be docketed for review. After further consideration, the Commission has decided not to place the case on its docket, but instead to lift the stay and allow the Initial Decision to become the decision of the Commission.

It is hereby ordered that the Initial Decision become the decision of the

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[1] Copies of the Complaint, Initial Decision, and Final Order filed with the original document.

Commission, and that the order to cease and desist be entered.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-30069 Filed 9-29-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3039]

Pay Less Drug Stores Northwest, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Pay Less Drug Stores Northwest, Inc. ("Northwest"), a Beaverton, Oregon, drug chain, to divest itself of Pay Less Drug Stores ("Pay Less"), located in the California communities of Lodi, Salinas and Livermore, and to refrain from acquiring any other Pay Less drug stores in that area. Further, the order requires Northwest to maintain the stores as on-going concerns until divestiture is accomplished and restricts sales of assets to "persons" approved in advance by the Commission.

DATES: Complaint and order issued September 2, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Robert B. Greenbaum, Acting Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102. (415) 556-1270.

SUPPLEMENTARY INFORMATION: On Friday, June 20, 1980, there was published in the **Federal Register**, 45 FR 41650, a proposed consent agreement with analysis In the Matter of Pay Less Drug Stores Northwest, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring Corporate Stock or Assets; 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 80-30070 Filed 9-29-80; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Poison Prevention Packaging; Exemption From Child-Resistant Packaging of Potassium Supplements in Effervescent Tablet Form Containing Not More Than 50 Milliequivalents of Potassium

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues a final amendment under the Poison Prevention Packaging Act of 1970 (PPPA) to exempt potassium supplements in the form of individually-packaged effervescent tablets each containing not more than 50 milliequivalents of potassium from the special packaging requirements imposed by the act. An exemption for effervescent potassium tablets containing not more than 25 milliequivalents of potassium is currently in effect. The Commission believes that child-protection packaging for the larger dose tablets is unnecessary to protect children from serious illness or injury, based on the absence of past adverse experience with effervescent potassium tablets and on test data indicating that their effervescence inhibits ingestion in dangerous amounts.

DATE: This amendment is effective September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301-492-6400.

SUPPLEMENTARY INFORMATION: Regulations issued under the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1471-1476) establish child-protection packaging requirements for human oral prescription drugs in order to protect children from serious personal injury or illness resulting from handling, using, or ingesting these substances.

On June 18, 1979, the Commission proposed an exemption to the child-resistant packaging regulations for prescription drugs in oral form (16 CFR 1700.14(a)(10)) for potassium supplements in individually-packaged effervescent tablets, each tablet containing not more than 50 milliequivalents of potassium. (44 FR 34968). The Commission took this action in response to a petition (PP 78-1) from Mead-Johnson Laboratories requesting an exemption for its "K-Lyte" double-strength tablets. ("K-Lyte" double-strength is an effervescent potassium supplement tablet containing 50 milliequivalents (mEq) of potassium).

Potassium supplements are generally used to counter potassium deficiencies in the body, caused by use of diuretics, diet deficiencies, or other factors. Overdosages of potassium may result in listlessness, mental confusion, or muscle weakness in the extremities; severe overdosages can result in cardiac arrest.

It should be noted that potassium supplements such as "K-Lyte" single-strength (25 mEq) tablets are currently exempted from the child-protection packaging requirements. (See 16 CFR 1700.14(a)(10)(vi); 44 FR 34933, June 18, 1979)). For the reasons stated below, the Commission has decided to issue a final exemption for potassium supplements in individually-packaged effervescent tablet form, containing no more than 50 mEq of potassium per tablet. The Commission, therefore, is revising the existing exemption for potassium supplements to set a higher exemption level.

Grounds For Exemption

The Commission's proposed exemption referred to Mead-Johnson's contention that the same grounds which justified an exemption for the "K-Lyte" single-strength tablets support an exemption for the double-strength tablets. As noted in the proposal document, the company based its petition on studies involving 302 young children exposed to the three flavors of "K-Lyte" single-strength, indicating that the tablet and/or effervescent characteristics of the products are repulsive to children. The company pointed out that the effervescent formulation is the same in the double-strength tablets as it is in the single strength product. Additionally, the company based its petition on the low acute toxicity of the drug and the absence of any recorded incidents of accidental overdosage of "K-Lyte" single strength by a child during twelve-

and-one-half years of marketing experience.

The Mead-Johnson findings as to the lack of past adverse experience with "K-Lyte" single strength tablets were confirmed by the Commission staff at the time of the proposal. There has been no additional incidence of injury in reports available to the Commission since then. A search of the data sources available to the Commission staff, including the National Electronic Injury Surveillance System; Department of Health, Education, and Welfare (DHEW) National Clearinghouse for Poison Control Centers (data from 1969 to 1978); in-depth investigations; the Commission's Poison Control Center Contract Data Base; and death certificates and consumer complaints on file with the Commission revealed only 4 cases where "K-Lyte" or similar tablets containing potassium salts were ingested. No hospitalization or symptom was reported in any of the 4 cases.

The Commission staff also conducted a toxicological evaluation of "K-Lyte" double-strength. The staff used the Mead-Johnson data showing that no child among 302 children ingested more than one-half tablet of the single-strength "K-Lyte" (most ingested considerably less) and Dorsey Laboratories data on testing of 200 children where only 1 child ingested more than 1¼ of its 20 mEq potassium tablets (an amount equal to approximately half of a double-strength "K-Lyte" tablet). The use of these data is appropriate since "K-Lyte" double-strength does not differ from the lower strength supplements in effervescence or taste, the properties which are said to inhibit ingestion. The staff estimated that approximately 10 percent of an ingested dose of the drug is absorbed into the bloodstream. Based on these data, the staff concluded that if accidental ingestion by a child of one-half tablet of "K-Lyte" double-strength should occur (i.e., approximately the equivalent of one single-strength tablet), the plasma concentration would not reach a level which would be hazardous.

Furthermore, based upon staff calculations, a 10 kg. child (22 lbs) would have to ingest a minimum of two double-strength tablets before physiological effects such as listlessness and muscular weakness of extremities might be expected. However, as noted earlier, no child ingested more than the equivalent of half a double-strength tablet, and only 4 percent of 500 children ingested more than the equivalent of a quarter tablet.

The Commission also solicited the opinion of the Food and Drug Administration (FDA) on the exemption request. Based on the lack of adverse human experience and the deterrent qualities of the effervescence, FDA concluded that the exemption should be granted.

The Commission also solicited comments from the Technical Advisory Committee on Poison Prevention Packaging. Of the ten members that made recommendations on the petition, 6 recommended granting the exemption and 2 recommended denial, expressing concern for the toxic potential of potassium salts and the possibility that a child would put the drug in a liquid and drink it. The Commission notes that while ingestion of potassium at a certain level will produce physiological effects, the Commission has information indicating that it is unlikely that children will ingest the effervescent tablets in large amounts. As to children putting the tablets in a liquid and drinking it, the Commission notes that, while definitive information on this possibility is not available, the general reluctance of children to handle the drug appears to preclude this likelihood. The six members who recommended granting the petition pointed to the evidence showing children's distaste for the product and the lack of adverse effects reported on the lower strength potassium supplements. Two members recommended granting the exemption for unflavored forms of the drug only. The Commission notes that the tests conducted by Mead-Johnson included unflavored tablets and more was ingested there (1½ tablet) than in one of the flavored forms (orange at ¼ tablet).

Response to Comment

The Commission received one comment from the American Society of Hospital Pharmacists, in response to the proposed exemption. While supporting the exemption for potassium supplements in individually-packaged effervescent tablets, each tablet containing no more than 50 mEq. of potassium, on the basis of minimal risk from ingestion of the drug by children, the Society reiterated its recommendation that the Commission establish exemptions based upon a determination of the maximum quantity of a drug which can be ingested by a child without significant effect.

The Commission does not believe that in considering exemptions it should normally go beyond a petitioner's request or beyond the amount of a substance in a commercial preparation and exempt the maximum amount of a drug which can be safely ingested by a child. The Commission believes that exemptions from special packaging requirements should only be granted on a limited basis where there is a definite need for the exemption. (It should be noted in this regard that the Commission's regulations regarding petitioning for exemption under the PPPA (16 CFR Part 1702) place the burden on the petitioner to submit all available information concerning the drug and to provide the justification for the requested exemption.) As a general rule, the Commission believes that it would be an inefficient use of the Commission's limited resources to attempt to set higher exemption levels than those requested by petitioners or otherwise available commercially where, as in the case of potassium supplemenmts, there is no apparent need for an exemption other than that requested.

The Commission points out, in addition, that any attempt at setting a maximum allowable level would be complicated because there is no estalished method of determining such maximum levels with any reasonable degree of certainly. For example, while median lethal dose (LD 50) data may be used to approximate a range of doses that could be considered fatal, such data do not provide information on how much of a drug may be ingested with impunity.

Powered Potassium Chloride

One manufacturer of a non-effervescent powdered form of potassium chloride (Berlex Laboratories) has also corresponded with the Commission concerning the proposed exemption for effervescent potassium supplements. This manufacturer had petitioned (PP 75–11) the Commission for an exemption from special packaging for its powdered form of potassium chloride. The petition was denied on August 21, 1975. That denial was based upon data available to the Commission which indicated that potassium chloride powder ingested by rabbits in amounts equivalent to ingestion of one to 3 packets of the drug by a 10 kg child had caused dose-responsive gastric hemorrhagic lesions and necorsis, as well as on the lack of human experience data with this drug.

In the recent correspondence, this manufacturer claims there is an inconsistency in denial of its earlier petition and the recent proposal of an exemption for the 50 milliequivalent effervescent tablet. The Commission

notes that the proposal for effervescent tablets as well as this final exemption are based on a finding of low toxicity for the minimal amounts of potassium likely to be ingested, on test data indicating that the effervescence inhibits ingestion in dangerous amounts, and on the absence of serious sequelae in the children who had ingested portions of the tablets. The Commission staff replies to this recent correspondence from Berlex point out that denial of the manufacturer's petition was not based on a risk of serious illness from systemic toxicity (which is low for both the powder and the effervescent tablets), but on a finding of risk of injury from severe gastric irritation as revealed by laboratory animal studies conducted by the Commission.

Despite the earlier denial of the petition on potassium chloride powder, however, the correspondence from Berlex has prompted Commission staff to investigate further the issue of exemption for potassium chloride powder. The staff now believes an exemption may be warranted. The staff's view is based on the following factors:

1. Rabbit studies may be too sensitive to show gastric or esophageal irritation in humans. Some common foods, which are not known to be irritants to humans, cause irritation in rabbits.

2. The amounts of potassium supplements, either powders or effervescent tablets, taken medically or likely to be ingested accidentally, are at levels normally ingested in a routine daily diet and contain less than is present in some foods or would be available in a home, if potassium-containing salt substitutes are used.

3. At the time of denial of the petition, little human experience data were available. Examination of National Clearinghouse for Poison Control Center (NCPCC) data for the period 1969–1978 reveals no reported ingestions in children under 5 of any of the powdered potassium supplement brands which comprise the majority of the marketplace. NCPCC data involving the ingestion of generic potassium chloride (dosage form and trade name not specified) reveals a total of 37 ingestions in children under 5 between 1969–1978; one of which resulted in symptomatology. There was no hospitalization.

The Commission believes that the staff's view has merit and has directed the staff to reopen the issue of an exemption for powdered potassium supplements as well as other forms (e.g., liquid) of potassium supplements. The Commission has instructed the staff to prepare for Commission consideration a draft proposal for an amended exemption covering all unit dose forms of potassium supplements.

Finding

Based on the lack of adverse human experience reported on the lower strength potassium supplements and the test data indicating that the effervescence of the drug inhibits ingestions by children, the Commission finds that this drug in the dosage and form specified does not pose a risk of serious personal illness or injury to children. The Commission notes that while the available potassium is double that of the single-strength product, the effervescent properties of the tablets are the same. The Commission emphasizes that this exemption is limited to potassium supplements in individually packaged effervescent tablets, containing not more than 50 mEq of potassium and containing no other substance subject to the requirements for special packaging under 16 CFR 1700.14(a)(10).

Effective Date

Since this rule grants an exemption, the delayed effective date provisions of the Administration Procedure Act are inapplicable. (5 U.S.C. 553(d)(1)). Accordingly, this exemption becomes effective on September 30, 1980.

Environmental Considerations

The Commission's interim rules for carrying out its responsibilities under the National Environmental Policy Act (see 16 CFR Part 1021; 42 FR 25494) provide that exemptions to an existing standard that do not alter the principal purpose or effect of the standard normally have no potential for affecting the environment and environmental review of exemptions from such regulations is, therefore, generally not required. (§ 1021.5(b)(1)). The rules also state that environmental review of rules requiring poison prevention packaging is generally not required. (§ 1021.5(b)(3)).

With respect to this exemption of potassium supplements in effervescent tablet form from poison prevention packaging, the Commission finds that the rule will have no significant effect on the human environment and that no environmental review is necessary.

Conclusion and Promulgation

Having considered the petition, the studies of child behavior submitted by the petitioner, Poison Control Statistics from the DHEW National Clearinghouse for Poison Control Centers, other human experience data and medical and scientific literature, and the comment on the proposal; and having consulted, pursuant to section 3 of the Poison Prevention Packaging Act (PPPA) of 1970, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Act, the Consumer Product Safety Commission concludes that an exemption from the special packaging requirements for potassium supplements in effervescent tablet form each containing not more than 50 mEq of potassium should be issued as set forth below. Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–572, sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends 16 CFR 1700.14 by revising paragraph (a)(10)(vi), as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription Drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal Law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of section 1700.15 (a), (b), and (c) except for the following:

* * * * *

(vi) Potassium supplements in individually-packaged effervescent tablet form, each tablet of which contains not more than 50 milliequivalents of potassium. (Pub. L. 91–601, secs. 2(4), 3, 84 Stat. 1670–72, 15 U.S.C. 1471(4), 1472, 1474; Pub. L. 92–573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).)

* * * * *

Dated: September 25, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-30285 Filed 9-29-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 270 and 271

[Order No. 94; Docket No. RM80-47]

Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act; Extension of Time for Comments

September 22, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of extension of time for comments.

SUMMARY: On July 25, 1980, the Commission issued Order No. 94, Amending Interim Regulations Under the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act (45 FR 53099, August 11, 1980). The Commission's order prescribed a comment period ending September 22, 1980. The comment period is hereby extended to October 6, 1980.

DATE: Comments are now due October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8400.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30237 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Countervailing Duties; Revocation of Countervailing Duty Order on Canned Hams and Shoulders From the European Communities

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Revocation of countervailing duty order.

SUMMARY: This notice is to inform the public that, as a result of a negative injury determination by the International Trade Commission, the Department of Commerce is revoking the countervailing duty order on canned hams and shoulders from the European Communities ("the EC"), which consist of Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom. The table in Part 355, Annex III of the Commerce Regulations is amended to reflect this revocation.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Room 1126, Washington, D.C., 20230 (202-377-4347).

SUPPLEMENTARY INFORMATION: A notice of "Final Countervailing Duty Determination," T.D. 75-300, was published in the **Federal Register** of December 1, 1975 (40 Fed. Reg. 55638). The notice stated that the Treasury Department had determined that exports of canned hams and shoulders from the EC were provided bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303). Concurrently with that determination, T.D. 75-301 (40 Fed. Reg. 55639) was published waiving the imposition of those duties under the authority of section 303(d) of the Tariff Act of 1930.

On January 1, 1980, Title I of the Trade Agreements Act of 1979 (93 Stat. 150)("the TAA") went into effect. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). Since the member states of the EC were "countr(ies) under the Agreement" (as defined in section 701(b) of the Tariff Act of 1930) as of January 1, 1980, the Department referred this case to the International Trade Commission ("the ITC") for a material injury determination in accordance with section 104(a)(1)(A) of the TAA. Section 105 of the TAA continued the waiver pending the ITC determination. Liquidation continued throughout the period. The ITC published a negative material injury decision in the Federal Register of July 16, 1980 (45 Fed. Reg. 47763).

As a result, the Department hereby revokes T.D. 75-300 and T.D. 75-301 with respect to all entries of canned hams and shoulders from the EC. The Department will instruct Customs officers to continue with the liquidation of all such entries without regard to countervailing duties.

The table in Part 355, Annex III of the Commerce Regulations (19 C.F.R. Part 355, Annex III, 45 Fed. Reg. 4949), is amended under the country headings "Belgium," "Denmark," "France," "Great Britain," "Ireland," "Italy," "Luxembourg," "the Netherlands," and "West Germany" by deleting from the column headed "Commodity," the words "Canned hams and canned shoulders"; from the column headed "Treasury Decisions," the numbers "75-300," and "75-301"; and from the column headed "Action," the words "Bounty declared" and "Imposition of countervailing duties waived."

This revocation and notice publication are in accordance with section 104(a)(3)(B) of the TAA (93 Stat. 191, 19 U.S.C. 1671 note).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 25, 1980.

[FR Doc. 80-30256 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T. D. 80-237]

Vessels in Foreign and Domestic Trades; Foreign Repairs to, and Equipment Purchases by, American Vessels

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to clarify and make more specific the procedures for the reporting and entry of foreign repairs to, and equipment purchases by, American vessels, and makes conforming amendments to take account of a consolidation of the Customs forms used in the reporting and entry procedures. The document also provides that vessel repair and equipment purchase entries shall be liquidated in New York, New Orleans, and San Francisco depending upon the port where the entry was made.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry C. Laderberg, Carrier Rulings Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

The owner or master of an American vessel is required by section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466), to declare, enter, and pay a special 50 percent duty on the cost of all repairs (including purchases of equipment, repair parts, or materials) made to the vessel outside the United States. Section 466 also provides for remission of the duty if (1) the repairs or purchases were necessary to correct damage caused by stress of weather or other casualty while the vessel was in the regular course of its voyage and to

secure the safety and seaworthiness of the vessel to enable it to reach its port of destination; (2) the equipment, repair parts, or materials purchased were of American origin and installed by the vessel's crew or U.S. residents; or (3) the equipment, repair parts, or materials purchased, including the labor cost involved, were used as dunnage for cargo, or for the erection of temporary bulkheads or similar devices for the control of cargo.

Section 466 also provides that in the case of any vessel designed and used primarily for purposes other than transporting passengers or property in the foreign or coasting trade (a so-called "special purpose vessel") which arrives in the United States two years or more after its last departure from a United States port, the duties shall apply only with respect to fish nets and netting and other equipment, and parts thereof, whenever purchased, and to repair parts and materials purchased, or repairs made, during the first six months after the last departure of the vessel from the United States.

A notice published in the Federal Register on April 4, 1978 (43 FR 14060), proposed to amend §§ 4.7 and 4.14, Customs Regulations (19 CFR 4.7, 4.14), which relate to reporting and entry procedures established to implement 19 U.S.C. 1466. Written comments were to have been received by May 4, 1978. However, at the request of American-flag vessel operators, a notice extending the comment period to June 2, 1978, was published on May 5, 1978 (43 FR 19417), and pursuant to another request, by notice published on May 19, 1978 (43 FR 21693), the comment period was further extended to June 30, 1978. A discussion of the proposed amendments, the substance of each of the 26 comments received, and Customs position on each comment follows:

Discussion of Comments

Requirement That Either the Master or Owner Make the Declaration

Several commenters supported the proposed amendment to § 4.7(d)(1) to permit either the master or the owner of a vessel subject to the provisions of 19 U.S.C. 1466 to declare the purchase of any equipment, repair parts, or materials, or the cost of any repairs, in a foreign country for the vessel. One commenter recommended that the vessel master be freed from any requirement for reporting this data.

Under 19 U.S.C. 1466, the owner or the master is permitted to make the required declaration. Customs does not have the authority to relieve the master of this responsibility. However, the amendment would enable the owner to relieve the master of the responsibility and to delegate that responsibility to some other person.

Dutiability of Foreign Repairs and Equipment Purchases

Applicability of Statute

Proposed § 4.14(a)(1) would incorporate a revision of footnote 26 to Part 4 (also referred to in footnote 16b to Part 4) to provide that: "For the purposes of this section, a repair or purchase made in American Samoa, the Canal Zone, the Guantanamo Bay Naval Station, Guam, Puerto Rico, and the U.S. Virgin Islands is not considered to be incurred outside the United States". One commenter suggested that Customs should except fish nets or netting from this section, and contended that the proposed revision is contrary to the intent of the 1971 amendment to 19 U.S.C. 1466 (Pub. L. 91–654).

Pub. L. 91–654 added paragraph (c) to 19 U.S.C. 1466 and excepted fish nets and netting from the exemption from duty on purchases of equipment for, and foreign repairs to, "special purpose vessels" in certain circumstances. The amendment did not relate to Customs position that certain U.S. territories and possessions and the Commonwealth of Puerto Rico are not considered "foreign countries" for purposes of 19 U.S.C. 1466.

American Samoa, the Guantanamo Bay Naval Station, Guam, Puerto Rico, and the U.S. Virgin Islands are subject to the jurisdiction of the United States. Therefore, none is considered to be a "foreign country" within the meaning of 19 U.S.C. 1466. Accordingly, the last sentence of proposed § 4.14(a)(1) is retained in the final rule except that the reference to the Canal Zone is deleted.

Footnote 26 to Part 4, which is incorporated into proposed § 4.14(a)(1), was revised to remove the reference to the Canal Zone by T.D. 79–276, published in the Federal Register on October 29, 1979 (44 FR 61954), because the Canal Zone was transferred to Panama effective October 1, 1979, by the Panama Canal treaty of 1977.

Footnote 26 to Part 4 accordingly is deleted, and to conform to the deletion, footnote 16b to Part 4 is revised to read "16b See § 4.14(a)(1)."

"Special Purpose Vessels"

1. One commenter stated that the proposed amendments fail to provide for "special purpose vessels".

The term "special purpose vessel" is defined in proposed § 4.14(a)(2)(iii), and the dutiability of foreign repairs to, and equipment purchases for, "Special purpose vessels" is set forth in that section.

2. Another commenter suggested that the definition of "special purpose vessels" be expanded to encompass more fully support vessels used in the offshore oil industry and to conform to the legislative intent of 19 U.S.C. 1466(c) (redesignated as 1466(e), pursuant to Pub. L. 95–410). This commenter recommended that the interpretation of the term "special purpose vessel" be clarified through administrative guidelines issued to the liquidation units.

Customs believes that the definition of "special purpose vessel" in proposed § 4.14(a)(2)(iii) is fully consistent with the legislative intent of 19 U.S.C. 1466(e) and requires no change.

3. A commenter recommended that the requirement in proposed § 4.14(a)(2)(iii) that the master or owner of a "special purpose vessel" declare and enter all repairs and equipment purchases be modified to require only the declaration and entry of repairs and purchases made during the first six months of the vessel's voyage. The reason stated for this recommendation is that under 19 U.S.C. 1466(e), only the repairs and equipment purchases made during the first six months after the vessel's last departure from the United States on a voyage of two years or more are dutiable.

This comment has merit. Therefore, proposed § 4.14(a)(2)(iii) has been revised to provide that if the vessel previously has been held to be a "special purpose vessel" by Customs, only those items (with the exception of fish nets and netting) purchased, and repairs made, outside the United States during the first six months after the vessel's last departure from the United States on a voyage of at least two years duration are required to be declared and entered. A copy of the applicable Customs ruling and a certification from the owner or master that the vessel was used during its last voyage primarily for purposes other than transporting passengers or merchandise are required to be furnished with the declaration and entry.

Deposit of Estimated Duties or Filing Bond Before Vessel Departure

1. Several commenters suggested that proposed § 4.14(b)(1), which would require estimated duties to be deposited, or a bond on Customs Form 7567 or 7569 to be filed, before the departure of a vessel from the port of arrival, be modified to provide that the bonding provisions apply only to the net dutiable amount, rather than to the gross dutiable amount. These commenters contended

that the requirement of a bond for the gross dutiable amount results in a substantial bond premium on items that clearly are nondutiable.

Proposed § 4.14(b)(1) does not require that the bond must be taken on the gross dutiable amount. Section 113.14(m), Customs Regulations (19 CFR 113.14(m)), provides that Customs Form 7567 or 7569, the single entry and term versions of the Vessel, Vehicle, or Aircraft Bond, may be taken in any amount deemed necessary by the district director. To avoid any misunderstanding, a sentence is being added at the end of proposed § 4.14(b)(1) to clarify that the bond shall be in an amount required by the district director, as provided in § 113.14(m).

2. One commenter claimed that proposed § 4.14(b)(1), in requiring estimated duties to be deposited, or a bond on Customs Form 7567 or 7569 to be filed, before the departure of a vessel, effects a change in the current procedure of determining estimated duty on the basis of information submitted on Customs Form 7535 (now Customs Form 226) within two working days after arrival at the first United States port. This commenter recommended that the current procedure be incorporated into proposed § 4.14(b)(1) to prevent any delay in departure of the vessel from the port of arrival.

Proposed § 4.14(b)(1) does not change the current procedure for determining estimated duties. Both the current procedure and the proposed section provide that if the vessel clears port before filing an entry on Customs Form 226, the bond or estimated duties shall be computed on the basis of information on the declaration submitted on Customs Form 226.

Time for Submitting Cost Evidence

Many commenters were concerned that the time period provided in proposed § 4.14(b)(2)(ii) for submitting evidence of cost is inadequate. Several viewed the proposal as a reduction in the amount of time currently allowed for the submission of this evidence.

Present § 4.14(d) provides no time limitation on the submission of proper evidence of cost. Proposed § 4.14(b)(2)(ii) provides for a 60-day period from the date of the vessel's arrival within which to submit evidence of cost of each item listed on the repair entry. An additional 30-day extension may be granted to the applicant by the appropriate vessel repair liquidation unit upon request, and further requests for extensions of time may be granted by Customs Headquarters. There is no absolute limit on the amount of time that may be granted to an applicant for submission of evidence of cost.

Remission or Refund of Duty

Two commenters noted that the paragraph in proposed § 4.14 titled "Remission or refund of duty" is incorrectly designated with an upper case letter "C" instead of a lower case letter "c". The paragraph has been redesignated accordingly.

Vessel Repair Liquidation Units

Almost all commenters objected to the proposal in § 4.14(c)(1) to centralize all vessel repair liquidation in two units located in Customs Region II (New York) and Region VIII (San Francisco). These commenters noted that much of the American shipping industry is concentrated in the Gulf of Mexico, and suggested that the absence of a vessel repair liquidation unit in this area would cause undue expenses and delays and reduce the industry's ability to communicate effectively with Customs. Many commenters specifically requested that a liquidation unit be located in Region V (New Orleans).

Customs believes this point is well taken. Accordingly, proposed § 4.14(c)(1) has been revised to establish three vessel repair liquidation units, under the supervision of the respective Regional Commissioners, in Region II, to process entries made in Regions I (Boston), II (New York), III (Baltimore), and IX (Chicago); Region V, to process entries made in Regions IV (Miami), V (New Orleans), and VI (Houston); and Region VIII, to process entries made in Regions VII (Los Angeles) and VIII (San Francisco).

Authority To Approve or Deny Applications for Relief

A number of commenters were concerned with proposed § 4.14(c)(2), which authorizes the regional commissioner in the regions in which liquidation units are established to approve or deny applications for relief from duties assessed on vessel repair entries only if a clearly applicable precedent for a decision exists and any remission or refund of duty as a result of the decision is less than $1,000. All other applications for relief would be referred to Customs Headquarters. These commenters suggested that the $1,000 ceiling on remission or refund of duty for this purpose be increased to enable more applications to be decided at the regional level. Two commenters believed that this ceiling should be raised to $10,000.

The primary purpose of proposed § 4.14(c)(2) is to achieve a more consistent method of rendering decisions in vessel repair cases and to eliminate the time consuming and costly consideration of relatively minor cases at Customs Headquarters. Raising the $1,000 ceiling to $10,000 would preclude a central review of major issues. However, in view of the increased costs of vessel repairs and equipment, Customs has decided to raise the $1,000 ceiling to $2,500. Consideration may be given to further raising the ceiling at a later time if experience under the proposed procedure warrants doing so.

Stress of Weather or Other Casualty as a Basis for Remission or Refund of Duties

1. Several commenters objected to proposed § 4.14(c)(3)(i), concerning the remission or refund of duty on foreign equipment purchased, or repairs made, outside the United States as a result of stress of weather or other casualty and necessary to secure the seaworthiness of the vessel to enable it to reach its port of destination in the United States.

A number of commenters objected to the proposal that only the duty on the cost of minimal repairs needed for the safety and seaworthiness of the vessel is subject to remission or refund. One commenter contended that the requirement that only minimal repairs be considered for remission or refund introduces a subjective element into the processing of repair entries. Another commenter claimed that this requirement would force owners to accomplish only minimal repairs overseas and to return their vessels to the United States in an unseaworthy condition. This commenter stated that vessels that returned to the United States in an unseaworthy condition would violate U.S. Coast Guard and classification society requirements and may cause the vessels to lose insurance coverage. Another commenter suggested that the term "minimal repairs" either be removed from the proposal or be defined to include such purchases or repairs as are necessary to allow a vessel to continue on its intended voyage with full operational capabilities.

Based upon the legislative history of 19 U.S.C. 1466(d)(1), Customs believes that only the duty on the cost of minimal repairs needed for the safety and seaworthiness of the vessel is subject to remission or refund. This proposal does not force owners to return their vessels to the United States in an unseaworthy condition and Customs has no authority to insert the Coast Guard and classification society requirements into the regulations. The term "minimal repairs" has been interpreted in administrative rulings and court cases to determine the extent to which remission may be granted, and Customs is of the opinion that no broader definition of this term is necessary.

2. Some commenters took issue with the interpretation of the term "casualty" in proposed § 4.14(c)(3)(i). As defined, "casualty" does not include any purchases or repairs necessitated by ordinary wear and tear, but does include a part's failure to function if satisfactory evidence shows that the specific part was repaired or serviced immediately before starting the voyage from the United States and that the part failed to function within six months of this repair or servicing.

Two commenters argued that Customs should recognize that a "casualty" is the result and not the cause of an emergency at sea. One of these commenters proposed that § 4.14(c)(3)(i) provide for the refund or remission of duty on repairs or equipment replacement resulting from any casualty (other than one caused by ordinary wear and tear) which so affects the safety of the vessel that without these repairs or replacements it would not be able to safely complete the voyage. Alternatively, this commenter stated that if the term "casualty" is defined to refer to the cause and not the result of an emergency, Customs should specify those causes which render foreign vessel repairs or equipment purchases duty-free. The commenter recommended the adoption of the exceptions from liability set forth in section 4(2) of the Carriage of Goods by Sea Act (46 U.S.C. 1304(2)).

The interpretation of the term "casualty" has been the subject of numerous Headquarters administrative rulings. Customs has considered carefully these suggestions and does not believe a change in its interpretation of the scope of the term "casualty" is appropriate.

3. One commenter contended that the six month period limiting remission of duty should be extended to three years to allow defects in a newly-repaired propulsion system to surface. This commenter also argued that Customs should not condition the remission of duty for foreign repair or service upon the repair or service of the part immediately before starting the voyage from the United States because this forces the owner to examine all the ship's gear before each foreign voyage. Two commenters contended that the repair of vital electronic navigation devices should be free of duty except for failure due to ordinary wear and tear.

Proposed § 4.14(c)(3)(i) is intended merely to relieve the vessel owner or master from liability for duty on repairs or equipment purchases required for a part which was repaired or serviced immediately before starting a foreign voyage and which failed to function within six months of that repair or servicing. This proposal is not intended to force vessel owners to examine all the ship's gear before each foreign voyage, and it would not be feasible to broaden this rule simply to allow latent defects in specific parts to surface.

4. One commenter suggested that proposed § 4.14(c)(3)(i) be modified to take into account the features of liquified natural gas vessel operations. The commenter suggested that the term "casualty" include a part's failure to function if satisfactory evidence shows that the part was repaired or serviced immediately before starting a voyage from the United States and that the part failed to function within six months of such repair or service, irrespective of the fact that the vessel had an intervening call or calls at United States ports during this six month period.

This suggestion would broaden the "one round voyage" rule set out in T.D. 71–83(38), which provides that it is reasonable to assume that a part of a vessel which has been repaired and/or serviced just before commencement of a voyage from the United States is seaworthy for a round-trip voyage and return, and failure of that part to function within six months after its repair in the United States may be considered a casualty within the meaning of 19 U.S.C. 258(1) (now 19 U.S.C. 1466(d)(1)). Customs does not believe a further extension of this rule is appropriate.

5. A commenter argued that proposed § 4.14(c)(3)(i) should be modified to provide that all foreign repairs and equipment purchases required in order for American vessels to enter the United States in compliance with U.S. Coast Guard ports and waterways safety regulations shall be eligible for remission of duty. The commenter noted that under the Ports and Waterways Safety Act of 1972, Pub. L. 92–340, the Coast Guard has promulgated regulations (33 CFR Part 164) which require liquefied natural gas tankers to obtain Coast Guard certification of navigation and safety requirements as a condition of their entering a United States port. Accordingly, if a repair or equipment purchase is not due to a casualty, as defined in proposed § 4.14(c)(3)(i), the vessel is forced to make the repair or equipment purchase and incur the additional 50 percent duty to comply with the Coast Guard entrance requirements.

Customs recognizes the problem inherent in this situation. However, repairs or equipment purchases necessary to comply with Coast Guard or other governmental regulations are not subject to remission or refund of duty unless they otherwise qualify under 19 U.S.C. 1466(d).

United States Parts and Equipment Installed With American Labor

1. Two commenters requested that proposed § 4.14(c)(3)(ii) be changed to clarify that the work performed by crew labor or by United States residents is nondutiable in accordance with 19 U.S.C. 1466(a). Because the nondutiability of the work performed by crew labor or by United States residents is provided for in 19 U.S.C. 1466(a), and these regulations are issued pursuant to 19 U.S.C. 1466(a), it is unnecessary to specify statutory authority in § 4.14(c)(3)(ii).

2. A number of commenters suggested that proposed § 4.14(c)(3)(ii) be amended to comply with T.D. 75–275 and provide that United States-origin equipment purchased in the United States by the vessel owner is nondutiable even if installed in a foreign shipyard.

T.D. 75–257 does not provide that United States-origin equipment purchased in the United States by the vessel owner is nondutiable even if installed in a foreign shipyard. However, upon a review of the background of T.D. 75–257 and subsequent rulings, Customs has decided that proposed § 4.14(c)(3)(ii) is overly broad. The proposed language has been changed to indicate that remission or refund of duty is authorized if good and sufficient evidence is furnished which shows that the equipment, equipment parts, repair parts, or materials used on the vessel were manufactured or produced in the United States and purchased by the owner of the vessel in the United States, and the labor necessary to install such equipment or make such repairs was performed by residents of the United States or by members of the regular crew of the vessel.

Procedure For Remission or Refund of Duties—Application For Relief

One commenter claimed that the requirement in proposed § 4.14(d)(1)(i) of certification that all foreign equipment, parts, or materials purchased for, and all foreign repairs made to, the vessel on prior voyages have been declared complicates the procedure for remission or refund of duties. This commenter suggested that 19 U.S.C. 1466 is clear that these items must be reported, and there may be instances where the information is not available on arrival but will be available within the time allowed for filing a petition or on a later arrival.

The requirement of certification that all equipment or parts or materials and

repairs made within one year immediately preceding the application have been duly accounted for is contained in 19 U.S.C. 1466(d). However, Customs recognizes that the certification contained in proposed § 4.14(d)(1)(i) is broader than the statutory requirement and therefore the section has been revised to conform to 19 U.S.C. 1466(d).

Place and Time of Filing

Several commenters were concerned that the provision in proposed § 4.14(d)(1)(ii) for a 60-day period in which to file an application for relief, with a 30-day extension for good cause, is inadequate. One commenter recommended that this provision be modified to conform to proposed § 4.14(b)(2)(ii) and allow a further extension for filing the application for relief upon good cause.

Customs believes that is not necessary to extend the period for filing the application for relief beyond the maximum period of 90 days. While the compilation of evidence of cost of repairs may require further extensions of time, the filing of an application for relief involves purely legal issues, and a 60-day period with a 30-day extension for good cause should be sufficient.

Supporting Evidence

1. Two commenters suggested that the requirement of certification by the master or other responsible party with personal knowledge of the facts relating to relief in proposed § 4.14(d)(1)(iii) should be expanded to permit certification by the owner or any officer or representative of the owner knowledgeable of the facts. Another commenter requested that proposed § 4.14(d)(1)(iii) be revised to permit certification by a responsible party in the company in case of absence or nonavailability of shipboard personnel.

Customs believes that in order to ensure the veracity of evidence on the facts and circumstances surrounding the vessel repair or equipment purchase, it is necessary to require certification by the master or other responsible vessel officer with personal knowledge of the facts.

2. One commenter stated that the requirement in proposed § 4.14(d)(1)(iii)(E), for a certification by the master as to whether the repairs or equipment purchased were necessary for the safety and seaworthiness of the vessel to enable it to reach its port of destination in the United States, should be considered optional because of the provision in proposed § 4.14(d)(1)(iii)(C) requiring the submission of classification society reports requiring the repairs.

Customs believes that the responsibility and professional detachment required of a master of a vessel lends weight to a certification by that officer that is valuable in assessing the legitimacy of a claim for remission under the vessel repair statute. Customs does not believe that certification of this evidence by the master can be replaced with a classification society report.

3. A commenter suggested that proposed § 4.14(d)(1)(iii)(F) be expanded to permit the written description of the circumstances involved in the case of the use of American equipment, labor, and dunnage to be submitted over the signature of any responsible person in the company.

Customs believes that this suggestion would erode the quality of the documentary evidence submitted. However, proposed § 4.14(d)(1)(iii) has been revised to provide that the applicant may submit any additional documents in support of his application.

Documentary Evidence

One commenter objected to the requirement in proposed § 4.14(d)(1)(iv) that English translations for any documents written in a foreign language be certified for accuracy by the translator. This commenter stated that in view of the high costs of preparing verbatim translations, the certification by the translator should not be required and the current requirement that a translation be certified to be accurate should be sufficient.

Customs considers this objection to be without merit because it would be impossible to accept a translated document as evidence if it were not certified to be accurate by the translator.

Liquidation of Vessel Repair Entries—Time Limits

One commenter suggested that the regulations provide that the entrant declare at the time of entry whether an application for relief will be filed, with a 60-day period in which to amend this declaration. The substance of this suggestion is incorporated in proposed § 4.14(e).

Documented LASH Barges

One commenter objected to the fact that the proposed regulations do not take documented Lighter-Aboard-Ship (LASH) barges into account. This commenter suggested that documented LASH barges are not subject to the duty imposed by 19 U.S.C. 1466, but that if the statute does apply, a different type of reporting system should be set up, allowing for a provisional entry at the time of arrival, with later supplemental reporting of repairs and equipment purchases.

The Customs Service has held in numerous decisions (see e.g., C.S.D. 79–3) that LASH barges are "vessels" subject to the provisions of 19 U.S.C. 1466. Customs believes that the extentions of time provided by § 4.14(b)(2)(ii) at the regional level and, when justified, at Headquarters, allow vessel operators sufficient time to obtain documentation and evidence of foreign repairs equipment purchases and that a different type of reporting system for documented LASH barges is not necessary. To clarify this point, paragraph (a)(2)(iv) has been added to § 4.14(a) to state that foreign repairs to, and equipment purchases by, LASH barges are subject to declaration and entry.

Change in Penalty Provisions

To reflect the amendment of 19 U.S.C. 1466 by section 206 of Pub. L. 95–410, the "Customs Procedural Reform and Simplification Act", proposed § 4.14(g) has been revised to provide for the recovery from the owner of a monetary amount up to the value of the vessel as an alternative to seizure and forfeiture of the vessel in the event of a failure to report, make entry, and pay duties, as required.

Editorial and Conforming Changes

In accordance with the notice published in the **Federal Register** on March 21, 1979 (44 FR 17250), amendments have been made to §§ 4.7 and 4.14, Customs Regulations, to provide for the use of Customs Form 226, "Record of Vessel/Aircraft Foreign Repair or Equipment Purchase", in place of Customs Form 3415, "Declaration of Foreign Repairs to Vessels or Aircraft", and Customs Form 7535, "Vessel/Aircraft Foreign Repair or Equipment Purchase Entry". A similar conforming change to § 6.7, Customs Regulations, was set forth in a proposed rule published in the **Federal Register** on January 8, 1980 (45 FR 1633).

To further clarify certain sections of the proposed rule, other nonsubstantive editorial changes also have been made.

Inapplicability of Executive Order 12044

This document is not subject to the Treasury Department directive implementing Executive Order 12044, "Improving Government Regulations", because the regulation was in process before May 22, 1978, the effective date of the directive.

Drafting Information

The principal author of this document was Laurie Strassberg Amster,

Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below.

William T. Archey,

Acting Commissioner of Customs.

Approved: September 15, 1980.

Richard J. Davis,

Assistant Secretary of the Treasury.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.14 [Amended]

1. Footnotes 26 and 27 to § 4.14(a) are deleted.

2. Section 4.7(d)(1) (including footnote 16b) is amended to read as follows:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

* * * * *

(d)(1) The master or owner of—

(i) A vessel documented under the laws of the United States to engage in the foreign or coasting trade, or intended to be employed in such trade, or

(ii) An American fishing vessel licensed or enrolled and licensed for the fisheries which has a permit to touch and trade (see section 4.15), or an American fishing vessel documented for the fisheries which lacks a permit to touch and trade but which is intended to engage in trade, or a registered vessel which is intended to engage in the fisheries—

at the port of first arrival from a foreign country shall declare on Customs Form 226 any equipment, repair parts, or materials purchased for the vessel, or any expense for repairs incurred, outside the United States, within the purview of section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466).[16b] If no equipment, repair parts, or materials have been purchased, or repairs made, a declaration to that effect shall be made on Customs Form 226.

3. Section 4.14 is amended to read as follows:

§ 4.14 Foreign equipment purchases by, and repairs to, American vessels.

(a) *Dutiability of foreign repairs and equipment purchases.* (1) *Items subject to duty.* The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses for repairs made, including the cost of labor incurred, outside the United States, upon any vessel documented under the laws of the United States to engage in the foreign or coasting trade, or intended to be employed in such trade, are dutiable at the rate of 50 percent ad valorem on the actual cost in the country where the items are purchased or the repairs are made. Duty attaches at the time the repairs or purchases are made. Liability for declaration, entry, and payment of duties accrues at the time of the first arrival of the vessel in a port of the United States. For the purposes of this section, equipment, repair parts or materials purchased, or repairs made, in American Samoa, the Guantanamo Bay Naval Station, Guam, Puerto Rico, or the U.S. Virgin Islands are not considered to have been purchased or made outside the United States.

(2) *Dutiable costs on specific types of vessels.* (i) *Fishing vessels.* Vessels of the United States which are licensed or enrolled and licensed for the fisheries and have a permit to touch and trade (see section 4.15), vessels documented for the fisheries which lack of permit to touch and trade but which are intended to engage in trade, and registered vessels which are intended to engage in the fisheries, are subject to this section.

(ii) *Government-owned or chartered vessels.* Vessels owned or chartered by the United States Government, if documented for, or intended to engage in, the foreign or coasting trade, are subject to this section. See paragraph (b)(2)(i) of this section with respect to entry procedures for Government vessels.

(iii) *Special purpose vessels.* (A) *Defined.* A vessel which is documented for the foreign or coasting trade, but is designed and used primarily for purposes other than transporting passengers or merchandise, is considered to be a "special purpose vessel."

(B) *Requirements for declaration and entry.* The owner or master of a special purpose vessel shall declare and enter all items purchased, or repairs made, outside the United States unless Customs previously has ruled the vessel is a special purpose vessel and the vessel arrives in a port of the United States two years or more after its last departure from a port of the United States. Under these circumstances, only those items (with the exception of fish nets and netting) purchased, and repairs made, outside the United States during the first six months after the vessel's last departure from the United States shall be declared and entered. Fish nets and netting purchased or repaired outside the United States shall be declared and entered whether or not purchased or repaired during the first six months after departure. A copy of the applicable Customs ruling and a certification from the owner or master that the vessel was used during its last voyage primarily for purposes other than transporting passengers or merchandise shall be furnished with the declaration and entry.

(C) *Dutiable items.* If the special purpose vessel is operated in international or foreign waters two years or more after its last departure from the United States, the only dutiable items are fish nets and netting whenever purchased and any other items purchased or repairs made during the first six months after the vessel's last departure from the United States.

(iv) *LASH Barges.* Lighter-aboard-ship (LASH) barges (see sections 4.81 and 4.81a) and similar vessels documented for, or intended to engage in, the foreign or coasting trade are subject to this section.

(b) *Declaration and repair entry.* (1) *Declaration.* Upon first arrival of the vessel in the United States, the owner or master shall declare on Customs Form 226 all equipment, parts, or materials purchased, and all repairs made, outside the United States. Except as provided in § 4.14(a)(2)(iii)(B), the declaration is required regardless of the dutiable status of such items or expenses. The declaration shall be ready for production on demand and for inspection by the boarding officer and shall be presented as part of the original manifest when formal entry of the vessel is made. Estimated duties shall be deposited or a bond on Customs Form 7567 or 7569 shall be filed before the departure of the vessel, except as provided in subparagraph (2)(i) of this paragraph. The amount of the bond shall be determined by the district director as provided in § 113.14(m) of this chapter. See paragraph (g) of this section for applicable penalties.

(2) *Entry.* All equipment, parts, or materials purchased for, and all repairs made outside the United States to, any vessel subject to the provisions of this section shall be entered on Customs Form 226 by the master or owner of the vessel. The entry shall be filed with the appropriate Customs officer at the port of first arrival within five working days after arrival. The Customs officer with whom the entry is filed shall forward it to the appropriate vessel repair liquidation unit. The party filing the entry shall mark it to indicate whether it is a full and complete account or an incomplete account. See paragraph (g) of this section for applicable penalties.

(i) *Entry procedures for vessels owned or chartered by the United States.* Whenever the appropriate Customs

[16b] See § 4.14(a)(1).

officer determines that a Government-owned or chartered vessel subject to the provisions of this section (see paragraph (a)(2)(ii)) is being operated by an agency of the United States, or that a Government-owned or chartered vessel is being operated by a private party for an agency of the United States under an agreement that obligates the Government agency to pay any duty on the costs of repairs or purchases, the vessel shall be allowed to depart the port of first arrival without depositing estimated duties or furnishing a bond to cover estimated duties. In all other cases, the vessel shall be treated as though privately owned.

(ii) *Time period for submitting evidence of cost.* Whenever a repair entry is submitted as a full and complete account, the entry papers shall include evidence showing the cost of each item listed on the entry. If a repair entry is submitted as an incomplete account, the evidence must be submitted within 60 days from the date of the vessel's arrival. If before the end of the 60-day period, the party that is required to furnish the evidence of cost submits a written request for an extension of time beyond the 60-day period, together with a satisfactory explanation of the delay, to the appropriate vessel repair liquidation unit, that unit may grant an additional 30-day extension of time to submit cost evidence. Any request for a further extension of time to furnish evidence of cost shall be submitted to the appropriate vessel repair liquidation unit, which shall transmit the request to Headquarters, U.S. Customs Service, Attention: Carrier Rulings Branch, for approval. If the costs shown on the complete account differ from the costs declared on the entry, the appropriate Customs officer may permit amendment of the entry.

(A) *Investigation to obtain evidence.* If the required evidence is not furnished timely, or is of doubtful authenticity, the appropriate regional commissioner shall use all available means to obtain the necessary information and may refer the matter to the Office of Investigations. If an investigation is conducted, the Office of Investigations shall obtain all available evidence on the cost of the repairs and any evidence with respect to the reason for the party's failure to submit the evidence in a timely fashion.

(B) *Concurrent time period for submission of costs and filing application for relief.* The 60-day time period to submit evidence of cost on the entry is concurrent with the 60-day time period to submit an application for relief under paragraph (d)(1)(ii) of this section and will not operate to provide additional time to submit an application for relief. A request for additional time to submit evidence of cost may include a request for additional time to submit an application for relief.

(c) *Remission or refund of duty.* (1) *Vessel repair liquidation units.* Vessel repair liquidation units under the supervision of the Regional Commissioner of Customs are established at New York, N.Y. (Region II), New Orleans, Louisiana (Region V), and San Francisco, California (Region VIII). The Region II unit shall process and liquidate each vessel repair entry filed at ports in Regions I (Boston), II (New York), III (Baltimore), and IX (Chicago). The Region V unit shall process and liquidate each vessel repair entry filed at ports in Regions IV (Miami), V (New Orleans), and VI (Houston). The Region VIII unit shall process and liquidate each vessel repair entry filed at ports in Regions VII (Los Angeles) and VIII (San Francisco). After processing and liquidation of the entries, the bulletin notices of liquidation shall be returned to the respective ports of entry for posting.

(2) *Authority.* If clearly applicable precedent for a decision exists and any remission or refund of duty as a result of a decision will be less than $2,500, the Regional Commissioners of Regions II, V, and VIII may approve or deny any application for relief on vessel repair entries filed at the ports within their respective jurisdictions. If there is no clearly applicable precedent on which to base a decision, or if the decision may result in a remission or refund of $2,500 or more in duty, the respective Regional Commissioner shall refer the matter to Headquarters, U.S. Customs Service, Attention: Carrier Rulings Branch, for advice before acting on the application for relief.

(3) *Basis for remission or refund.* Remission or refund of duty is authorized if good and sufficient evidence is furnished which shows any of the following circumstances exist:

(i) *Stress of weather or other casualty.* The vessel, while in the regular course of its voyage, was compelled, by stress of weather or other casualty, while outside the United States, to purchase such equipment or make such repairs, to secure the safety and seaworthiness of the vessel to enable it to reach its port of destination in the United States. However, only the duty on the cost of the minimal repairs needed for the safety and seaworthiness of the vessel is subject to remission or refund. For the purposes of this section, the term "casualty" does not include any purchases or repairs necessitated by ordinary wear and tear, but does include a part's failure to function if satisfactory evidence shows that the specific part was repaired or serviced immediately before starting the voyage from the United States port and that the part failed to function within six months of such repair or servicing.

(ii) *United States parts and equipment installed with American labor.* The equipment, equipment parts, repair parts or materials used on the vessel were manufactured or produced in the United States and purchased by the owner of the vessel in the United States, and the labor necessary to install such equipment or to make such repairs was performed by residents of the United States or by members of the regular crew of the vessel.

(iii) *Dunnage.* The equipment, equipment parts, materials or labor were used as dunnage for cargo, or for the packing or shoring thereof, or in the erection of temporary bulkheads or other similar devices for the control of bulk cargo, or in the preparation (without permanent repair or alteration) of tanks for the carriage of liquid cargo.

(d) *Procedure for remission or refund of duties.* (1) *Application for relief.* (i) *Form and contents.* The application for relief need not be in any particular form. The application for relief should allege that an item or a repair expense covered by the entry is not subject to duty under paragraph (a) of this section, or that the articles purchased or the repair expenses are within the provisions of paragraph (c) of this section, or that both conditions are present. The application for relief also shall certify that all foreign equipment, parts, or materials purchased for, and all foreign repairs made to, the vessel within one year immediately preceding the application have been declared as required by this section, or the application shall be deemed incomplete. The application for relief shall be signed by the master, owner, or operator of the vessel, or their authorized agent. If the application for relief is filed by a corporation, it shall be signed by an authorized corporate officer.

(ii) *Place and time of filing.* The application for relief shall be filed with the appropriate Customs officer at the port where the vessel repair entry was made or with the appropriate vessel repair liquidation unit (see paragraph (c)(1) of this section). If filed at the port where the entry was made, the Customs officer who receives the application shall promptly forward it, together with his comments, if any, to the appropriate vessel repair liquidation unit. The application for relief, with supporting evidence, shall be filed within 60 days from the date of first arrival of the

vessel. However, if good cause is shown, the appropriate vessel repair liquidation unit may authorize one 30-day extension of time to file beyond the 60-day filing period.

(iii) *Supporting evidence.* Unless such evidence is already filed with Customs, each application for relief shall include duplicate copies of the following evidence, in addition to any other documents the applicant wishes to submit in support of the application:

(A) All itemized bills, receipts, and invoices covering items specified in paragraph (a)(1) of this section, segregating the cost of those items for which relief is sought from all other items listed in the vessel repair entry.

(B) Full and complete photocopies of the relevant parts of the vessel's logs.

(C) Photocopies of any American Bureau of Shipping or other classification society report of the cause and type of damage and the nature of the remedial action taken, together with photocopies of any certifications of seaworthiness.

(D) A certification by the master or other responsible vessel officer with personal knowledge of the facts relating to the relief sought, including, but not limited to, details of the claimed stress of weather or other casualty, when and where it occurred, the damages due to such stress of weather or other casualty, and the place and date where the vessel was repaired or the equipment for the vessel was purchased.

(E) A certification by the master as to whether the repairs or equipment purchases were necessary for the safety and seaworthiness of the vessel to enable it to reach its port of destination in the United States.

(F) A written description of the circumstances involved by the master or other responsible vessel officer having knowledge of the facts when remission or refund is sought under the provisions of paragraph (c)(3)(ii) (relating to the use of American equipment and labor) or (c)(3)(iii) (relating to dunnage) of this section.

(iv) *Documentary evidence.* All documents submitted in support of an application must be certified by the master or owner of the vessel to be originals or copies of originals. If a vessel is owned or operated by a corporation, the master or an authorized corporate officer shall certify the documents. Documents in a foreign language shall be accompanied by an English translation that is certified for accuracy by the translator.

(v) *Action.* Within 60 days after receipt of an application for relief by a vessel repair liquidation unit, the appropriate regional commissioner shall either approve or deny the application for relief or forward it to Headquarters, U.S. Customs Service, Attention: Carrier Rulings Branch, for advice, as provided in paragraph (c)(2) of this section. The appropriate regional commissioner shall give prompt written notice of any final decision to the party who submitted the application. The notice shall advise the party of its right to petition for review of the decision under paragraph (d)(2) of this section. If the decision involves remission of duty under paragraph (c) of this section and the entry has been liquidated, reliquidation is not required. If any other relief is granted and the entry has been liquidated, reliquidation is required.

(vi) *Suspension of liquidation.* If an application for relief has been filed within the time period provided in paragraph (d)(1)(ii) of this section, liquidation of the vessel repair entry shall be suspended until 30 days after the date of the written notice provided for in paragraph (d)(1)(v) of this section.

(2) *Petition for review on a denial of an application for relief.*

(i) *Form.* If an applicant is dissatisfied with the decision on its application for relief, the applicant may file a petition for review of that decision. The petition for review need not be in any particular form. The petition for review must identify the decision on the application for relief and must detail the exceptions taken to that decision. The petition shall be signed by the master, owner, or operator of the vessel, or their authorized agent. If the petition for review is filed by a corporation, it must be signed by a duly authorized corporate officer.

(ii) *Place and time of filing.* The petition for review shall be addressed to the Commissioner of Customs and shall be filed with the appropriate vessel repair liquidation unit within 30 days after the date of the written notice to the party of the decision on the application for relief, as provided in paragraph (d)(1)(v) of this section. However, if good cause is shown, the appropriate vessel repair liquidation unit may authorize one additional 30-day extension of time.

(iii) *Action.* The appropriate regional commissioner promptly shall transmit a copy of the petition for review, any comments and recommendations he may have on the petition for review, and the entire file on the application for relief to Headquarters, U.S. Customs Service, Attention: Carrier Rulings Branch, for decision. After notification of the decision by Headquarters, the appropriate regional commissioner shall give written notification of that decision to the party who filed the petition for review. The notice will inform the party of his right to submit a supplemental petition for review and that no further suspension of liquidation will be permitted.

(iv) *Suspension of liquidation.* If an original petition for review is filed within the time provided for in paragraph (d)(2)(ii) of this section, liquidation of the vessel repair entry shall be suspended further until the regional commissioner notifies the party who filed the petition of the decision on the petition. Following notification of the Headquarters decision to the party who filed the petition, the vessel repair liquidation unit shall promptly initiate liquidation of the entry in accordance with that decision even if a supplemental petition for review is filed.

(e) *Liquidation of vessel repair entries, time limits.* If evidence of cost is available and the appropriate vessel repair liquidation unit receives written notification from the master, owner, or operator of the vessel, or their authorized agent, that an application for relief will not be filed, the vessel repair liquidation unit promptly shall initiate liquidation of the entry. In all other cases in which the evidence of cost is available, the entry may be liquidated 60 days after arrival of the vessel, or at the expiration of any extension of time granted under paragraph (b)(2)(ii) of this section to furnish evidence of cost, unless an application for relief is filed timely as provided in paragraph (d)(1)(ii) of this section. If an application for relief is filed timely, the vessel repair entry may be liquidated 30 days after the date of the written notice to the party who filed the application for relief, as provided in paragraph (d)(1)(v), unless a petition for review is filed timely under paragraph (d)(2)(ii) of this section. If a petition for review is filed timely, the vessel repair entry may be liquidated after the date of the notification of the decision on the petition to the party who filed the petition even though a supplemental petition for review is filed.

(f) *Protests.* Following liquidation of an entry, a protest under Part 174 of this chapter may be filed against the decision to treat an item or a repair as dutiable under paragraph (a) of this section.

(g) *Penalties.* (1) *Failure to report, enter, or pay duty.* If the owner or master of a vessel subject to the provisions of paragraph (a) of this section willfully or knowingly neglects or fails to report, make entry, and pay duties as required, or if he makes any false statement in respect of the purchases or repairs described in this section without reasonable cause to believe the truth of the statements, or

aids or procures the making of any false statement as to any material matter without reasonable cause to believe the truth of the statement, the vessel, with its tackle, apparel, and furniture, or a monetary amount up to the value thereof as determined by the Secretary of the Treasury, to be recovered from the owner, shall be subject to seizure and forfeiture.

(2) *False declaration.* If any person required to file a declaration on Customs Form 226, by paragraph (b)(1) of this section, or to file an entry on Customs Form 226, by paragraph (b)(2) of this section, willfully and knowingly provides any false information, or willfully and knowingly omits any required information, that person shall be subject to the criminal penalties provided for in 18 U.S.C. 1001.

(R.S. 251, as amended, sections 466, 498, 514, 624, 46 Stat. 718, as amended, 728, as amended, 734, as amended, 759, 84 Stat. 1944 (19 U.S.C. 66, 1466, 1498, 1514, 1624))

[FR Doc. 80-30036 Filed 9-29-80; 8:45 am]
BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436, 455 and 555

[Docket No. 78N-0414]

Sterile Chloramphenicol, Sterile Chloramphenicol Sodium Succinate, and Chloramphenicol Injection; Deletion of Histamine Test

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule amends the antibiotic drug regulations by deleting the histamine test from certain chloramphenicol monographs for human and veterinary use. This test is unnecessary because of changes in the method of producing these antibiotic drugs.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 2, 1979 (44 FR 11788), corrected May 8, 1979 (44 FR 26900), FDA proposed to amend the antibiotic drug regulations by deleting the histamine test from the monographs providing for sterile chloramphenicol, sterile chloramphenicol sodium succinate, and chloramphenicol injection for both human and veterinary use.

As discussed in the proposal, the histamine test has been a certification requirement for chloramphenicol in order to detect histaminelike substances that may be present in this antibiotic drug if improperly purified. However, because a change in the manner of production of chloramphenicol from all sources has eliminated the formation of histaminelike substances, this test has become no longer necessary. So that the regulations may reflect only the most appropriate methods of assay, FDA proposed that the histamine test for both human and veterinary use be deleted from the appropriate monographs. This action is consistent with the objectives of Executive Order 12044 "Improving Government Regulations."

Interested persons were given until May 1, 1979, to submit written comments. Only one comment was received in response to the proposal, and it favored the proposed change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 436, 455, and 555 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 436.35 [Amended]

1. Part 436 is amended in § 436.35 *Histamine test* by deleting the items "Chloramphenicol" and "Chloramphenicol sodium succinate" from the table in paragraph (c).

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

2. Part 455 is amended:

a. In § 455.10a by deleting and reserving paragraphs (a)(1)(v) and (b)(5) and by revising paragraph (a)(3)(i) to read as follows:

§ 455.10a Sterile chloramphenicol.

(a) * * *

(1) * * *

(v) [Reserved]

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, pH, specific rotation, melting range, absorptivity, and crystallinity.

* * * * *

(b) * * *

(5) [Reserved]

* * * * *

b. In § 455.12a by deleting and reserving paragraphs (a)(1)(v) and (b)(5) and by revising paragraph (a)(3)(i) to read as follows:

§ 455.12a Sterile chloramphenicol sodium succinate.

(a) * * *

(1) * * *

(v) [Reserved]

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, and specific rotation.

* * * * *

(b) * * *

(5) [Reserved]

* * * * *

c. In § 455.210 by revising paragraphs (a)(1) and (3)(i)(*b*), and by deleting and reserving paragraph (b)(5), to read as follows:

§ 455.210 Chloramphenicol injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol injection is chloramphenicol, with or without one or more suitable and harmless buffer substances, dissolved in one or more suitable and harmless solvents. Each milliliter contains 250 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its pH is not less than 4.7 and not more than 5.0. The chloramphenicol used conforms to the standards prescribed by § 455.10a(a)(1).

* * * * *

(3) * * *

(i) * * *

(*b*) The batch for potency, sterility, pyrogens, safety, and pH.

* * * * *

(b) * * *

(5) [Reserved]

* * * * *

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

3. Part 555 is amended in § 555.210 by revising paragraph (a)(1) and (4)(i)(*b*) and by deleting and reserving paragraph (b)(5) to read as follows:

§ 455.210 Chloramphenicol injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol injection is a solution containing chloramphenicol and one or more suitable and harmless buffers and preservatives in an organic

solvent vehicle. Each milliliter contains 100 milligrams of chloramphenicol. The chloramphenicol content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its pH is not less than 6.5 and not more than 8.5. The chloramphenicol used conforms to the standards prescribed by §455.10a(a)(1) of this chapter.

* * * * *

(4) * * *

(i) * * *

(*b*) The batch for potency, sterility, pyrogens, safety, and pH.

* * * * *

(b) * * *

(5) [Reserved]

* * * * *

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before October 30, 1980, a written notice of participation and request for hearing, and (2) on or before December 1, 1980, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order and filed with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This amendment shall become effective October 30, 1980.

(Secs. 507, 512(n), 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n)))

Dated: September 19, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-30032 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 440

[Docket No. 80N-0303]

Penicillin Antibiotic Drugs; Amoxicillin Trihydrate Chewable Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new antibiotic dosage form, amoxicillin trihydrate chewable tablets. The manufacturer has supplied sufficient data and information to establish the drug's safety and efficacy.

DATES: Effective September 30, 1980; comments by October 30, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended with respect to providing for the certification of a new antibiotic dosage form, amoxicillin trihydrate chewable tablets. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 440 (21 CFR Part 440) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b) (22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a sufficient impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 440 is amended by adding new § 440.103c to read as follows:

§ 440.103c Amoxicillin trihydrate chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate chewable tablets are composed of amoxicillin trihydrate with or without one or more suitable lubricants, diluents, preservatives, drying agents, flavorings, and colorings. Each tablet contains amoxicillin trihydrate equivalent to either 125 or 250 milligrams of amoxicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of amoxicillin that it is represented to contain. Its moisture content is not more than 6.0 percent. It passes the identity test. The amoxicillin trihydrate used conforms to the standards prescribed by § 440.3(a)(1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "amoxicillin tablets."

(3) *Requests for certification; samples.* In addition to the requirements of §431.1 of this chapter, each such request shall contain:

(i) Results of tests and assay on:

(*a*) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, amoxicillin content, concordance, crystallinity, and identity.

(*b*)The batch for potency, moisture, and identity.

(ii) Samples required:

(*a*) The amoxicillin trihydrate used in making the batch: 12 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution of convenient concentration. Blend for 3 to

5 minutes. Remove an aliquot and dilute with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 5 minutes. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Identity.* Proceed as directed in § 436.311 of this chapter, preparing the sample as follows: Using a mortar and pestle, grind a representative number of tablets into a fine powder. Dissolve an accurately weighed amount of this powder in 0.1*N* hydrochloric acid to give a solution containing 4 milligrams of amoxicillin per milliliter.

Because the conditions that must be met prior to providing for certification of this drug have been complied with, because the matter is noncontroversial, and because the marketing of this drug by other manufacturers would be delayed without good cause, the Food and Drug Administration finds that notice and public procedure and delayed effective date are unnecessary and impractical, and that the amendment may become effective upon the date of publication in the **Federal Register**. However, interested persons may, on or before October 30, 1980, submit to the Hearing Clerk (HFA–35), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before October 30, 1980, a written notice of participation and request for hearing, and (2) on or before December 1, 1980, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s)who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective September 30, 1980.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: September 22, 1980.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 80–30031 Filed 9–29–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Pipradrol and SPA in Schedule IV; Schedules of Controlled Substances

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: This is a Final Rule issued by the Administrator of the Drug Enforcement Administration placing pipradrol and SPA in Schedule IV of the Controlled Substances Act of 1970. This action is required in order for the United States to discharge its obligations under the Convention on Psychotropic Substances, 1971.

EFFECTIVE DATE OF CONTROL: December 1, 1980, except as otherwise provided in the "SUPPLEMENTARY INFORMATION" section of this Rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: 202–633–1366.

SUPPLEMENTARY INFORMATION: On April 15, 1980, the United States became a party to the Convention on Psychotropic Substances, 1971. In order to comply with the obligation imposed thereby, two substances, pipradrol and SPA, which are in Schedule IV of the treaty, must be controlled under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Section 102(c) of the Psychotropic Substances Act of 1978 (21 USC 812) states that "with respect to pipradrol and SPA (also known as (-)-1-dimethylamino-1,2-diphenylethane), the Attorney General shall by order, made without regard to sections 201 and 202 of the Controlled Substances Act, place such drugs in Schedule IV of such Act." These substances currently have no accepted medical use in the United States.

EFFECTIVE DATES: 1. Registration. Any person who manufactures, distributes, imports or exports pipradrol and SPA or who engages in research or conducts instructional activities with respect to these substances, or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before December 1, 1980.

2. Security. Pipradrol and SPA must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72 (b)–(d), 1301.73, 1301.74(a)–(f), 1301.75(b)–(c) and 1301.76 of Title 21 of the Code of Federal Regulations on or before December 29, 1980. In the event this effective date imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

3. Labeling and Packaging. All labels and labeling for commercial containers of pipradrol and SPA, packaged after December 1, 1980, shall comply with the requirements of §§ 1302.03–1302.05 and 1302.07–1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any "manufacturer," as defined in Section 102(14) of the Controlled

Substances Act (21 USC 802(14)), the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

4. Inventory. Every registrant required to keep records, who possesses any quantity of pipradrol or SPA, shall take an inventory, pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of these substances on hand on December 1, 1980.

5. Records. All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on pipradrol and SPA commencing on the date on which the inventories of these substances are taken.

6. Importation and Exportation. All importation and exportation of pipradrol and SPA on and after December 1, 1980, shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

7. Criminal Liability. The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to pipradrol and SPA not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after December 1, 1980, shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with these substances between the date on which this Rule is published and the date which he obtains or is denied registration; provided, that the application for such registration is submitted on or before December 1, 1980.

Dated: September 19, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

Under the authority vested in the Attorney General by Section 102(c) of the Psychotropic Substance Act of 1978 (21 U.S.C. 812), and delegated to the Administrator of the Drug Enforcement Administration pursuant to Sec. 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Title 21 of the Code of Federal Regulations be amended by adding (e) (4) and (5) to § 1308.14:

§ 1308.14 Schedule IV.

* * * * *

(e) * * *

(4) pipradrol, 1750.

(5) SPA ((-)-1-dimethylamino-1,2-diphenylethane), 1635.

* * * * *

[FR Doc. 80-29726 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-09-M

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21 CFR Part 1308

Placement of Sufentanil and Tilidine in Schedule I; Schedules of Controlled Substances

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: This is a Final Rule issued by the Administrator of the Drug Enforcement Administration placing sufentanil and tilidine in Schedule I of the Controlled Substances Act of 1970. This action is required in order for the United States to discharge its obligations under the Single Convention on Narcotic Drugs, 1961.

DATE: EFFECTIVE DATE OF CONTROL: December 1, 1980, except as otherwise provided in the SUPPLEMENTARY INFORMATION section of this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: 202–633–1366.

SUPPLEMENTARY INFORMATION: By a letter dated April 17, 1980, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs has decided that the drugs, sufentanil and tilidine, be added to Schedule I of the Single Convention on Narcotic Drugs, 1961.

Section 201(d)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 USC 811(d)) states that, if control of a substance is required by United States obligations under the Single Convention on Narcotic Drugs, "the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings and procedures required by section 201 (a) and (b) (21 USC 811 (a) and (b)) and section 202(b) (21 USC 812(b)) of the Act." This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

In order to meet the obligations of the Single Convention on Narcotic Drugs and because sufentanil and tilidine have no currently accepted medical use, the Administrator of the Drug Enforcement Administration has determined that these substances should be placed in Schedule I of the Controlled Substances Act.

EFFECTIVE DATES: 1. Registration. Any person who manufactures, distributes, imports, or exports sufentanil or tilidine, or who engages in research or conducts instructional activities with respect to these substances, or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before December 1, 1980.

2. Security. Sufentanil and tilidine must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a), 1301.72(c)–(d), 1301.73, 1301.74(a)–(c), 1301.74(e)–(f), 1301.75(a), 1301.75(c), and 1301.76 of Title 21 of the Code of Federal Regulations on or before December 29, 1980. In the event this effective date imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

3. Labeling and Packaging. All labels and labeling for commercial containers of sufentanil and tilidine, packaged after December 1, 1980, shall comply with the requirements of §§ 1302.03–1302.05 and 1302.07–1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any "manufacturer," as defined in Section 102(14) of the Controlled Substances Act (21 USC 802(14)), the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

4. Quotas. All persons required to obtain quotas for sufentanil and tilidine shall submit applications for calendar year 1981 pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations on or before December 1, 1980.

5. Inventory. Every registrant required to keep records, who possesses any quantity of sufentanil or tilidine, shall take an inventory, pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of sufentanil and tilidine on hand on December 1, 1980.

6. Records. All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on sufentanil and tilidine commencing on the date on which the inventories of these substances are taken.

7. Reports. All registrants required to file reports on sufentanil and tilidine with the Drug Enforcement Administration pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations shall report on the inventory taken under paragraph 5 above and on all subsequent transactions.

8. Order Forms. Each distribution of sufentanil and tilidine on or after December 1, 1980, shall utilize an order form pursuant to Part 1305 of Title 21 of the Code of Federal Regulations.

9. Importation and Exportation. All importation and exportation of sufentanil and tilidine on and after December 1, 1980 shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. Criminal Liability. The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to sufentanil and tilidine not authorized by, or in violation of, the controlled substances Act or the Controlled Substances Import and Export Act, conducted after December 1, 1980, shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with these substances between the date on which this Rule is published and the date which he obtains or is denied registration; provided, that the application for such registration is submitted on or before December 1, 1980.

Dated: September 19, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

Therefore, under the authority vested in the Attorney General by Section 201(d)(1) of the Controlled Substances Act (21 USC 812(d)(1)) and delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that §§ 1308.11(b) of Title 21 of the Code of Federal Regulations be amended as follows:

In § 1308.11, paragraph (b)(43) is redesignated as paragraph (b)(45) and new paragraphs (b)(43) and (b)(44) are added to read as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(43) Sufentanil, 9740.

(44) Tilidine, 9750.

(45) Trimeperidine, 9646.

* * * * *

[FR Doc. 80-29727 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-09-M

21 CFR Part 1308

Exempt Chemical Preparation Containing Controlled Substances

AGENCY: Drug Enforcement Administration.

ACTION: Final rule.

SUMMARY: By this rule, the below listed chemical preparations and mixtures which contain controlled substances have, as indicated, either been added to or deleted from the list of exempt chemical preparations set forth in Title 21, Code of Federal Regulations, § 1308.24. Those which are included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations. This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA, and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATES: This rule is effective December 1, 1980, subject to being suspended, reinstated, revoked or amended by the Administrator upon consideration of any comments or objections timely filed on or before December 1, 1980, which raise significant issues on any finding of fact or conclusion of law supporting this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, telephone (202) 633–1366.

SUPPLEMENTARY INFORMATION: The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations (CFR) which ask that several chemical preparations containing controlled substances be granted the exemptions provided for in 21 CFR 1308.24.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts and suppliers of these products.

Therefore, pursuant to the Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears.

(Secs. 201, 202, 501(b), Controlled Substances Act, 21 U.S.C. 811, 812, 871(b)).

Dated: September 24, 1980.

Peter B. Bensinger,

Administrator.

a. Section 1308.24(i) is amended by deleting the following:

§ 1308.24 [Amended]

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Abbott Laboratories	Thyroscreen T$_4$ Diagnostic Kit	Kit: 500 tests, 100 tests, 50 tests.	July 8, 1977.
American Hospital Supply Corp. (Dade Division).	DATA-tope™ CT 125 4. Buffered 1 Thyroxine, Catalog No. B5644-21.	Bottle: 55 ml	June 11, 1975.
Do	DATA-tope™ CT 125 4. Buffered 1 Thyroxine, Catalog No. B5644-25.	Bottle: 255 ml	Do.
Do	DATA-tope™ T 125 4. Buffered 1 Thyroxine, Catalog No. B5644-29.	Bottle: 505 ml	Do.
Do	DATA-tope™ T 125 4. Buffered 1 Thyroxine, Catalog No. B5644-40.	Bottle: 55 ml	Do.
Do	DATA-tope™ T 125 4. Buffered 1 Thyroxine, Catalog No. B5644-45.	Bottle: 255 ml	Do.
Do	DATA-tope™ T 125 4. Buffered 1 Thyroxine, Catalog No. B5644-35.	Bottle: 505 ml	Do.
Millipore Corp	(Delete this company and all products listed under it.)		
Millipore Corp. (Worthington Diagnostics Division).	(Delete this company and all products listed under it.)		

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
E. R. Squibb & Sons, Inc	Angiotensin I Adsorbent Charcoal Tablets, List No. 09402.	Amber polystyrene vial: 210 tablets per vial.	May 26, 1976.
Do	....do	....do	May 13, 1977.
Technicon	Control I, No. T13-115	Glass vial: 15 ml	Jan. 30, 1980.
Do	Calibrator I, No. T13-1150	....do	Do.

b. Section 1308.24(i) is amended by amending the table in paragraph (i) by adding the following:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Abbott Laboratories	A-gent Thyrozyme Uptake Diagnostic Kit, Nos. 6004-30, 6004-48.	Kit: 500 tests, 90 tests	May 28, 1980.
Do	Barbital Diluent Solution, No. 6004A	Plastic bottle: 50 ml	Do.
American Hospital Supply Corp. (Dade Division).	Moni-Trol I.X Chemistry Controls (Level I), B5106-20.	Vial: 5 ml, 10 vials per kit	Aug. 18, 1980.
Do	Moni-Trol I.X Chemistry Controls (Level I), B5106-50.	Vial: 10 ml, 50 vials per kit	Do.
Do	Moni-Trol II.X Chemistry Control (Level II), B5106-30.	Vial: 5 ml, 10 vials per kit	Do.
Do	Moni-Trol II.X Chemistry Control (Level II), B5106-60.	Vial: 10 ml, 50 vials per kit	Do.
Bio-Dynamics/bmc	RIAFLO T-4 Antibody	Polypropylene bottle: 115 ml	Apr. 25, 1980.
Do	RIAFLO T-4 Tracer	....do	Do.
Do	RIAFLO T-3U Tracer	....do	Do.
Calbiochem-Behring Corp	125_{I-T_3}	Glass bottle: 58 ml	July 3, 1980.
Do	Anti-Human T_3 Serum (Rabbit)	Glass bottle: 38 ml	Do.
Do	125_{I-T_4}	Glass bottle: 58 ml	Do.
Do	Anti-Human T_4 Serum (Rabbit)	Glass bottle: 38 ml	Do.
Do	Polyethylene Glycol Solution	Polyethylene bottle: 120 ml	Do.
General Diagnostics Division of Warner-Lambert.	Unassayed Chemistry Serum Control, Levels I and II.	Vial: 25 ml	June 27, 1980.
Do	ASSURE, Levels I and II	Vial: 10 ml	Do.
Do	Owren's Veronal Buffer	Glass bottle: 37 ml	May 7, 1980.
ICL Scientific	Diluent IV	Glass vial: 1 ml	May 14, 1980.
Mallinckrodt, Inc	SPAC T3 RIA Test Kit	Kit: 100 tubes	May 8, 1980.
Micromedic Systems	Neonatal T_3 Buffer Solution	Bottle: 8 oz	May 21, 1980.
Do	Neonatal T_4 ^{125}I Tracer Solution	Vial: 30 ml	Do.
Miles Laboratories, Inc	Ames Phenobarbital Controls, 15 mcg/ml, 30 mcg/ml, 50 mcg/ml.	Vial: 6.1 ml	Do.
Millipore Corp	Barbital Buffer Solution	Foil pouch: 9.2 gm	Jan. 12, 1973.
Do	Immunoelectrophoresis buffer	Foil pouch: 10.19 gm	Sept. 5, 1973.
Do	Immuno-agaroslide	Plate: 3¼"×1"×1/16"	Do.
Do	Panagel slide	Plate: 6"×5⅜"×1/16"	Dec. 26, 1974.
Do	Panagel slide	Plate: 6"×9⅜"×1/16"	Do.
Do	Panagel buffer	Foil pouch: 18.25 gm	Do.
Do	Panagel LD Isoenzyme Reagent Set: Panagel LD Isoenzyme Slide ... Panagel LD Isoenzyme Eletrode Buffer...	Kit ctg: 10 slides. 5 pouches, 11.5 g/ pouch.	Feb. 12, 1979.
Nuclear Diagnostics, Inc	TRIA-P.E.G. Reagent	Polypropylene bottle: 55 ml	Mar. 10, 1978.
Do	TRIA-P.E.G. Antiserum	....do	Do.
Research Triangle Institute	Kit for Radioimmunoassay of delta-9 THC	Kit ctg: 20 1-ml vials, 2 20-ml vials/ 2 250-ml vials.	June 27, 1980.
Sigma Chemical Co	Buffer Diluent, Stock No. 880-3	Vial: 20 ml	July 11, 1980.
E. R. Squibb & Sons, Inc	Angiotensin I Absorbent Charcoal Tablets, List No. 09421.	Amber polystyrene vial: 210 tablets per vial.	Apr. 18, 1980.
Do	Buffer Concentrate, List No. G8332	Plastic bottle: 1,600 ml	May 21, 1980.
Supelco, Inc	Dextroamphetamine, 4-9185	Glass ampule: 1 ml	May 21, 1980.
Do	Meprobamate, 4-9184	....do	Do.
Do	Antiepileptic Calibration Standards, 4-9256, 4-9257, 4-9258.	Glass ampule: 5 ml	Do.
Do	Antiepileptic Calibration Standard Kit, 4-9259	Kit: 3 ampules	Do.
Technicon	TQC T.D.M. Control A, No. T13-115	Glass vial: 15 ml	Jan. 30, 1980.
Do	TQC T.D.M. Calibrator I	....do	Do.
Utak Laboratories	Toxicology Control—High Range Anticonvulsants, No. 71910.	Bottle: 10 ml	Apr. 14, 1980.
Do	Toxicology Control—Mid Range Anticonvulsants, No. 71911.	....do	Do.
Do	Toxicology Control—High Range Barbiturates, No. 71916.	....do	Do.
Do	Toxicology Control—Mid Range Barbiturates, No. 71917.	....do	Do.
Do	Toxicology Control—High Range Hypnotics Plus Acetaminophen, No. 71918.	....do	Do.
Do	Toxicology Control—Mid Range Hypnotics Plus Acetaminophen, No. 71919.	....do	Do.
Do	Toxicology Control—High Range Hypnotics Plus Salicylate, No. 71920.	....do	Do.
Do	Toxicology Control—Mid Range Hypnotics Plus Salicylate, No. 71921.	....do	Do.

[FR Doc. 80-30194 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. D-80-621]

Revision of Programmatic Redelegations of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of withdrawal of delegation of authority.

SUMMARY: The Assistant Secretary for Housing—Federal Housing Commissioner is revising and updating the programmatic redelegations of authority setting forth the responsibilities for programs and functions authorized by the various Housing Statutes, Executive Orders and Intergovernmental Agreements. These redelegations are published in general Notice format in the **Federal Register.** These revised redelegations of authority supersede all previously published programmatic redelegations of authority, for Headquarters, to administer the particular Housing programs. This Notice, therefore, is necessary to revoke the present, obsolete delegations to Particular Positions published under Title 24 of the Code of Federal Regulations.

EFFECTIVE DATE. September 12, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara Hunter, Office of Management, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6623. This is not a toll free number.

SUPPLEMENTAL INFORMATION: The revisions to the redelegations of authority do not alter program policy or procedure but rather realign programmatic authority to reflect organizational lines of responsibility. Since this withdrawal involves only internal matters of agency management, it does not require comment and public procedure.

24 CFR, Subpart D, Chapter II, Part 200, is amended by revoking §§ 200.51 through 200.84a.

(Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Secretary's authority to redelegate published at 36 FR 5006 (1971); 36 FR 5007 (1971); 41 FR 32635 (1976); and 41 FR 24755 (1976))

Issued at Washington, D.C., September 19, 1980.

Clyde McHenry,

Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-30073 Filed 9-29-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 150

[T.D. 7721]

Base Prices of Tier 2 and Tier 3 Oil

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary excise tax regulations relating to base prices of tier 2 and tier 3 oil for purposes of the windfall profit tax on oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. These base prices are generally determined under a formula calculated by reference to the actual removal price of oil rather than posted prices, which are used only for oil removed before October 1, 1980. The prices are those for oil removed during the base period, December 1979. The regulations also establish minimum base prices calculated by multiplying a property's May 1979 upper tier ceiling price by 1.1 (for tier 2 oil) or 1.2 (for tier 3 oil).

This document also amends the rules relating to witholding of the windfall profit tax in the absence of current data on an effective operator's certificate.

In addition, the text of the temporary regulations set forth in this document serves as the text of proposed regulations cross-reference in the Proposed Rules section of this issue of the **Federal Register.**

DATES: The temporary regulations relating to base prices are effective with respect to liability for windfall profit tax upon crude oil removed from the premises after September 30, 1980. However, persons required to withhold or deposit the windfall profit tax may, at their option, continue to withhold or deposit under the old base price rules through November 30, 1980. Similarly, the amendment to the rules relating to operators' certificates is effective on the later date unless the purchaser chooses an earlier date.

FOR FURTHER INFORMATION CONTACT: Eileen Murphy of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations under section 4989(d) of the Internal Revenue Code of 1954, relating to base prices for tier 2 and tier 3 oil.On April 4, 1980, temporary and proposed regulations under the Crude Oil Windfall Profit Tax Act of 1980 were published in the **Federal Register.** (45 FR 23384). The original temporary regulations (Treasury Decision 7690), in paragraph (c)(2) of § 150.4989-1, provided an interim rule for determining those base prices. That interim rule was amended in Treasury Decision 7720 (published in the **Federal Register** for September 24, 1980) to clarify what constitutes a valid posted price. The interim rule expires on October 1, 1980 (or on an earlier date if a permanent rule is provided by regulations effective before that date). The new temporary regulations in this document provide a permanent rule for determining base prices, effective with respect to tax liability for crude oil removed from the premises after September 30, 1980. However, persons required to withhold or deposit the tax may, at their option, use the interim rule through November 30, 1980. Adjustments to withholding for prior inaccuracies in withholding, taking into account the new rules in the case of oil removed after September 30, 1980, shall be made pursuant to paragraph (c) of § 150.4995-1.

The temporary regulations prescribed in this document are also proposed to be prescribed as final excise tax regulations (26 CFR Part 51) under sections 4989(d) and 4995 of the Internal Revenue Code of 1954.

Base Prices

These temporary regulations provide new excise tax regulations under Code section 4989(d), relating to base prices of tier 2 and tier 3 crude oil for purposes of the windfall profit tax. The windfall profit tax is imposed upon the windfall profit, defined as the difference between the removal price of the barrel of crude oil and the sum of the adjusted base price of the barrel of oil plus a

severance tax adjustment. The adjusted base price is the base price adjusted by an inflation adjustment formula provided in section 4989(b).

Under section 4989 (d) (1), the permanent base prices for tier 2 and tier 3 oil are prices determined pursuant to the method prescribed by regulations. The method prescribed by the regulations must be designed so as to yield, with respect to oil of any grade, quality, and field, a base price approximating the price at which such oil would have sold in December 1979 if it is assumed that all domestic crude oil was uncontrolled and the average removal price for all domestic crude oil (excluding Sadlerochit oil) was $15.20 a barrel (for tier 2 oil) and $16.55 a barrel (for tier 3 oil). The regulations provide a formula for determining base prices for tier 2 and tier 3 crude oil. The formula assumes that the same grade, quality, and location factors that caused a certain uncontrolled domestic crude oil to sell for more or less than the actual average uncontrolled price of all domestic crude oil (excluding Sadlerochit oil) in the base period would cause similar crude oil to sell for proportionately more or less than the applicable statutory average uncontrolled price of $15.20 or $16.55. For purposes of the formula, the temporary regulations establish that the actual average removal price for uncontrolled domestic crude oil during the base period was $35.80.

Base Period Uncontrolled Sales

The temporary regulations in § 150.4989–1 (c) (4), provide rules relating to uncontrolled base period sales, which produce the variable price factor to be used in the formula for determining base prices for tier 2 and tier 3 oil. The term "base period" is defined as December 1979, pursuant to the statutory mandate in section 4989 (d) (1).

Constructive Uncontrolled Base Period Price

The temporary regulations, in § 150.4989–1 (c) (3), provide rules for determining the base price for tier 2 and tier 3 oil produced from a reservoir that did not produce oil sold by or for the taxpayer in uncontrolled base period sales. In the case of a transfer of a property after November 30, 1979, the taxpayer takes the base price of the taxpayer's transferor. The taxpayer must obtain a statement of such base price from the transferor, the operator, or the first purchaser. In a case where no such transfer took place, the taxpayer's constructive uncontrolled base period sales price is determined by reference to the following prices (stated in the order of priority): The representative market or field price of oil of similar grade and quality produced from the same reservoir during the base period; or base period prices of oil of similar grade and quality purchased or sold by the taxpayer from the nearest reservoir that produced such oil during the base period; or the representative market or field price of such oil from the nearest reservoir (from which no oil was purchased or sold by the taxpayer in uncontrolled base period sales). If none of these rules apply, the tax shall be computed on the basis of the minimum base price under § 150.4989–1 (c) (6) of the temporary regulations. Similarly, if under the taxpayer's particular facts and circumstances the taxpayer is required to make a determination under one of these rules and fails to do so, the tax shall be computed on the basis of the minimum base price and not under any other rule.

Minimum Base Prices

The temporary regulations, in § 150.4989–1 (c) (6), provide a rule under which minimum base prices are established. This rule is similar to the minimum base price rule under the interim rule in section 4989 (d) (3). However, multipliers rather than dollar amounts are used in computing the minimum. The minimum base price rule is prescribed because the Treasury Department has determined that the actual selling price of certain oil during the base period did not reflect its value relative to other oil. The minimum base price rule is prescribed in response to a clear Congressional intention reflected in the legislative history of the windfall profit tax. The Conference Report (*H.R. Rep. No. 96–817*, 96th Cong., 2d Sess. 97 (March 7, 1980)) states: "[T]he interim rule may lead to inequities in the case of oil produced in California and certain other areas because its December 1979 price was much lower, relative to the national average, than it had been in prior years and is likely to be in the future". The conferees noted that they had given "the Secretary enough flexibility to devise a permanent solution to this problem."

Absence of Complete and Current Operator's Certificate

The temporary regulations also amend the wihtholding rules under § 150.4995–1 (b) (2) that apply when the purchaser has not received the operator's certification under section 6050C or when the purchaser has reason to believe that certain information provided by the operator is not correct. The new rules provide that the purchaser may continue to rely on the portion of the certified information that there is no reason to believe is not correct. The rules also set forth assumptions that are to be substituted for the item of information that is missing or that the purchaser has reason to believe is not correct. These rules would apply, for example, when the effective date for the new rules for withholding on the permanent base price rule has passed and the purchaser has not yet received a revised base price certification.

Waiver of Procedural Requirements of Treasury Directive

There is need for expeditious adoption of the provisions contained in this document because of the need to provide a permanent base price rule before the expiration of the interim base price rules on September 30, 1980, and because of the necessity of allowing sufficient time for those who must compute or withhold the windfall profit tax to ascertain the applicable base price. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Drafting Information

The principal author of these regulations was Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, Part 150, Temporary Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980, is amended as follows:

Paragraph 1. Paragraph (c) of § 150.4989–1 is revised to read as follows:

§ 150.4989–1 Adjusted base price.

* * * * *

(c) *Base prices for tier 2 and tier 3 oil*—(1) *In general.* Except as otherwise provided in the minimum base price and interim rules set forth in paragraph (c) (6) and (8) of this section, the base prices for tier 2 oil and tier 3 oil shall be determined under paragraph (c) (2) or (3). Paragraph (c) (2) and (3) provides rules designed to approximate the price at which oil would have sold in December 1979, taking into acccount

quality, grade, and field, if it is assumed that all domestic crude oil was uncontrolled and the average removal price of all domestic crude oil (other than Sadlerochit oil) was $15.20 a barrel for tier 2 and $16.55 a barrel for tier 3 oil. The rules of paragraph (c) (2) apply to oil produced from a reservoir that produced oil sold by or for the taxpayer in uncontrolled base period sales. The rules of paragraph (c) (3) generally apply to all other tier 2 or tier 3 oil. For definitions relating to uncontrolled base period sales, see paragraph (c) (4). For effective date provisions, see paragraph (c) (7).

(2) *Oil produced from a reservoir that produced oil sold by or for the taxpayer in uncontrolled base period sales.* The base price for tier 2 or tier 3 oil produced from a reservoir that produced oil sold by or for the taxpayer in uncontrolled base period sales (see paragraph (c)(4)) is determined by multiplying the uncontrolled base period price per barrel by the tier 2 multiplier in the case of tier 2 oil or by the tier 3 multiplier in the case of tier 3 oil. See paragraph (c)(5) for the definitions of the tier 2 multiplier and the tier 3 multiplier. The uncontrolled base period price per barrel of oil from a reservoir is the weighted average removal price per barrel of oil from the reservoir sold by or for the taxpayer in uncontrolled sales during the base period, determined without regard to any price adjustments made after February 29, 1980. The weighted average is obtained by multiplying the number of barrels sold at each price by the price at which the barrels were sold, adding the products, and dividing by the total number of barrels sold in such sales.

(3) *Oil produced from a reservoir that did not produce oil sold by or for the taxpayer in uncontrolled base period sales*—(i) *In general.* The base price for tier 2 or tier 3 oil produced from a reservoir that did not produce oil sold by or for the taxpayer in uncontrtolled base period sales is determined by multiplying the constructive uncontrolled base period price by the tier 2 multiplier in the case of tier 2 oil or by the tier 3 multiplier in the case of tier 3 oil. However, in the case of a transfer of a property to the taxpayer after November 30, 1979, if the taxpayer's transferor sold production from the reservoir from which the taxpayer's oil is produced in uncontrolled base period sales, the taxpayer's base price shall be—

(A) If the taxpayer obtains a written statement under the penalties of perjury from the transferor, or the transferor's operator or first purchaser, setting forth the transferor's base price for tier 2 or tier 3 oil and all facts bearing on the correctness of that base price, the base price of the taxpayer's transferor; and

(B) If the taxpayer does not obtain such a statement, the minimum base price provided in paragraph (c)(6) of this section.

(ii) *Constructive uncontrolled base period price.* For purposes of paragraph (c)((3) (i), the constructive uncontrolled base period price is the price that would have been obtained for the oil if it had been sold in uncontrolled sales by or for the taxpayer during the base period. In making this determination of constructive uncontrolled base period price:

(A) If oil of similar grade and quality was produced from the same reservoir and sold in uncontrolled sales during the base period, then the taxpayer's constructive uncontrolled base period price is the representative market or field price of such oil.

(B) If paragraph (c)(3)(ii)(A) does not apply and oil of similar grade and quality (*1*) was sold or purchased by or for the taxpayer in uncontrolled sales or purchases during the base period, and (*2*) was produced from the nearest reservoir from which oil of similar grade and quality was sold by or for any producer in uncontrolled sales during the base period, then the taxpayer's constructive uncontrolled base period price is the weighted average removal price per barrel of such oil.

(C) If paragraph (c)(3)(ii) (A) and (B) does not apply, then the taxpayer's constructive uncontrolled base period price is the representative market or field price of oil of similar grade and quality from the nearest reservoir from which such oil was produced and sold (by or for a producer other than the taxpayer) in uncontrolled sales during the base period.

If the taxpayer does not make the determination required by paragraph (c)(3)(ii)(A), (B) or (C) of this section (whichever is applicable under the circumstances of the taxpayer) the tax shall be computed on the basis of a base price that is the minimum base price determined under paragraph (c)(6) of this section. For purposes of this subdivision, the term "representative market or field price" has the same meaning as the meaning with which that term is used in the regulations under section 613. Also, prices shall be determined without regard to any price adjustment made after February 29, 1980.

(4) *Uncontrolled base period sales.* For purposes of paragraph (c) (1), (2), and (3) of this section, the term "uncontrolled sales" means sales in arms-length transactions at prices not subject to price controls imposed by the energy regulations. The term "base period" means December 1979.

(5) *Tier 2 multiplier and tier 3 multiplier.* For purposes of this section—

(i) The tier 2 multiplier is 0.42458 (the number representing the ratio of $15.20, the statutory average removal price for uncontrolled domestic crude oil to be used in the case of tier 2 oil, to $35.80, the actual average removal price for all uncontrolled domestic crude oil (except Sadlerochit oil) sold during the base period), and

(ii) The tier 3 multiplier is 0.46229 (the number representing the ratio of $16.55 to $35.80).

(6) *Minimum base prices for tier 2 and tier 3 oil.* The base price determined under paragraph (c) (1) through (5) of this section for tier 2 or tier 3 crude oil shall not be less than the product of—

(i) The ceiling price which would have applied to such oil under the March 1979 energy regulations if it had been produced and sold in May 1979 as upper tier oil, multiplied by

(ii) (A) 1.1 in the case of tier 2 oil, or

(B) 1.2 in the case of tier 3 oil.

For purposes of this determination, the grade and quality of the oil produced from the property in May 1979 shall be used.

(7) *Effective dates.* The rules of paragraph (c) (1) through (6) of this section are effective with respect to tax liability for crude oil removed from the premises after September 30, 1980. However, persons required by § 150.4995–1 to withhold windfall profit tax or by § 150.4995–3 to deposit payments of that tax may, at their option, continue to use through November 30, 1980, the interim rule set forth in paragraph (c)(8) of this section for purposes of determining the amount to be withheld or deposited. After November 30, 1980, withholding and depositing under the new rules are mandatory and adjustments to withholding for prior inaccuracies in withholding, taking account of the new rules in the case of oil removed after September 30, 1980, shall be made pursuant to paragraph (c) of § 150.4995–1.

(8) *Interim rule.* (i) This subparagraph applies to oil removed during a month before October 1980. Except as provided in paragraph (c)(8)(ii) of this section, the base prices for tier 2 oil and tier 3 oil, respectively, shall be the product of—

(A) The highest posted price for December 31, 1979, for uncontrolled crude oil of the same grade, quality, and field, or, if there is no such posted price, the highest posted price for such date for uncontrolled crude oil at the nearest

domestic field for which prices for oil of the same grade and and quality were posted for such date, multiplied by

(B) A fraction the denominator of which is $35, and the numerator of which is $15.20 for purposes of determining base prices of tier 2 oil and $16.55 for purposes of determining base prices of tier 3 oil.

In determining the base price for tier 2 or tier 3 oil, the grade and quality of the oil produced in December 1979 shall be used. For purposes of determining the highest posted price for December 31, 1979, "posted price" means a written statement of crude oil prices constituting an offer to purchase oil at that price circulated publicly among sellers and buyers of crude oil in a particular field in accordance with historic practices. Although the formality of a printed price bulletin such as is published by major purchasers is not necessary for a price to be a valid posted price, the formality of a publicly circulated written offer is necessary. The requirement that the offer be in writing and publicly circulated eliminates oral offers and offers made only to specified producers. Accordingly, other than the published price bulletins of the type traditionally issued by major oil companies, written offers to purchase constitute a "posted price" only if they are bona fide public offers of general applicability to crude oil producers in the field. For example, a letter from a purchaser to all crude oil producers in a field or in an area would constitute a posted price if the letter was a bona fide offer to purchase from all producers in that field or area. A written contract, of course, would not qualify as a posted price because it represents an agreement between a buyer and specific producer, not a bona fide offer to purchase from all producers. Accordingly, in determining the "highest posted price," a producer should first determine which offers qualify as posted prices for December 31, 1979. Because a posted price must constitute an offer to purchase, an offer does not constitute a posted price for December 31, 1979, unless the offer was initially made on or before December 31, 1979, and was in effect for oil purchased on that date. However, in determining the highest posted price for December 31, 1979, a valid posted price that was adjusted in a subsequent posted price circulated on or before January 14, 1980, shall be considered to be an offer made at the price as adjusted so long as the adjusted price applies to all oil purchased pursuant to the initial offer. In determining which posted prices were applicable to a particular field on December 31, 1979, the term "field" means a general area underlain by one or more reservoirs. Historical field designations commonly used by regulatory agencies and the oil industry will generally be used in the determination of a given field. Price bulletins which specify only a geographical area and crude oil grade (*e.g.*, "West Texas Sour") are presumed to be applicable to every field within the named area, unless a particular field is specifically excluded. However, the existence of a price bulletin stating a higher price for specifically named fields within the same area supersedes the area-wide price bulletin for the named field only. Finally, posted prices do not include either offers to buy at a price not specified in a sum certain (*e.g.*, a price "determined by the purchaser to be competitive") or premiums above posted prices which may have been paid for crude oil purchased on December 31, 1979.

(ii) *Minimum interim base price.* The base price determined under paragraph (c)(8)(i) of this section for tier 2 oil or tier 3 oil shall not be less than the sum of—

(A) The ceiling price which would have applied to such oil under the March 1979 energy regulations if it had been produced and sold in May 1979 as upper tier oil, plus

(B) $1 in the case of tier 2 oil or $2 in the case of tier 3 oil.

For purposes of this determination, the grade and quality of the oil produced from the property in May 1979 shall be used.

* * * * *

Par. 2. Paragraph (b)(2) of § 150.4995–1 is revised to read as follows:

§ 150.4995–1 Requirement of withholding.

* * * * *

(b) *Amount to be deducted and withheld.* * * *

(2) *Absence of complete and current operator's certification.* (i) *In general.* This subparagraph applies if the purchaser has not received the certification required to be furnished by the operator to section 6050C and § 150.6050C–1, or if the certification does not contain all the information necessary for the purchaser to compute the amount to be withheld under paragraph (b)(1) of this section, or if the purchaser has reason to believe that any information contained in that certification that affects the tax computation is not correct (including information that was correct when provided but that has become incorrect, such as a base price that was correct under the interim rule of § 150.4989–1(c)(8) after that rule ceases to apply). In such a case, the amount of tax to be deducted and withheld under paragraph (a) of this section is the amount of tax imposed by section 4986 (without regard to the net income limitation provided in section 4988(b) based on the information, if any, provided in the operator's certification that the purchaser has no reason to believe is not correct, and on the substitution of the following assumptions for any item of information that is absent from the certification or that the purchaser has reason to believe is not correct:

(A) If the item that is absent or that the purchaser has reason to believe is not correct is the tax tier of the oil, the oil shall be assumed to be in tier 1 subject to the 70 percent rate of tax;

(B) If the item is the adjusted base price, the adjusted base price shall be assumed to be—

(*1*) In the case of tier 1 oil, $11.01 plus the amount equal to $11.01 multiplied by the inflation adjustment provided under section 4989(b)(1) for the calendar quarter in which the oil was removed,

(*2*) In the case of tier 2 oil, $12.11 (the amount equal to $11.01 multiplied by 1.1, the amount specified in § 150.4989–1(c)(6)(ii)(A)) plus the amount equal to $12.11 multiplied by the inflation adjustment provided under section 4989(b)(1) for the calendar quarter in which the oil was removed, and

(*3*) In the case of tier 3 oil, $13.21) (the amount equal to $11.01 multiplied by 1.2, the amount specified in § 150,4989–1(c)(6)(ii)(B)) plus the amount equal to $13.21 multiplied by the inflation adjustment provided under section 4989(b)(2) for the calendar quarter in which the oil was removed;

(C) If the item is the severence tax adjustment provided by section 4996(c), the severence tax adjustment shall be assumed to be inapplicable unless the amount of that adjustment is known by the purchaser.

(ii) *Effective date.* Notwithstanding paragraph (f) of this section, this subparagraph is effective with respect to payments made after November 30, 1980, for oil removed on or after March 1, 1980, unless the purchaser chooses to apply this subparagraph at an earlier date. However, prior to the effective date of this subparagraph as provided in the preceding sentence, this subparagraph as originally promulgated in Treasury Decision 7690 (see 45 FR 23384) is effective as provided in paragraph (f) of this section.

* * * * *

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice

and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 4989(d)(1), 4995, 4997(b), and 7805 of title 26 of the United States Code and section 101 of the Crude Oil Windfall Profit Tax Act of 1980.

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: September 24, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-30157 Filed 9-29-80; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Processing of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on designation of certain State and local fair employment practices agencies so that they may process employment discrimination charges filed with the Commission, within their jurisdiction.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Franklin F. Chow, Equal Employment Opportunity Commission, Office of Field Services, State and Local Division, 2401 E St., N.W., Washington, D.C. 20506, telephone 202/634-6040.

SUPPLEMENTARY INFORMATION: Publication of this amendment to Sec. 1601.74(a) effectuates the designation of the following agency as a 706 Agency: Huntington (WV) Human Relations Commission.

With the addition of the above mentioned agency 29 CFR § 1601.74 (a) and (b) are amended as follows:

Alaska Commission for Human Rights
Alexandria (Va.) Human Rights Office
Allentown (Pa.) Human Relations Commission
Anchorage (Alaska) Equal Rights Commission
Arizona Civil Rights Division
Augusta/Richmond County (Ga.) Human Relations Commission
Austin (Tex.) Human Relations Commission
Baltimore (Md.) Community Relations Commission
Bloomington (Ill.) Human Relations Commission
Bloomington (Ind.) Human Rights Commission
Broward County (Fla.) Human Relations Commission
California Department of Fair Employment and Housing
Charleston (W. Va.) Human Rights Commission
Clearwater (Fla.) Office of Community Relations
Colorado Civil Rights Commission
Colorado State Personnel Board
Commonwealth of Puerto Rico Department of Labor
Connecticut Commission on Human Rights and Opportunity
Corpus Christi (Tex.) Human Relations Commission
Dade County (Fla.) Fair Housing and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago (Ind.) Human Relations Commission
Evansville (Ind.) Human Relations Commission
Fairfax County (Va.) Human Rights Commission
Florida Commission on Human Relations
Fort Wayne (Ind.) Metropolitan Human Relations Commission
Fort Worth (Tex.) Human Relations Commission
Gary (Ind.) Human Relations Commission
Georgia Office of Fair Employment Practices
Howard County (Md.) Human Rights Commission
Hawaii Department of Labor and Industrial Relations
Huntington (WV) Human Relations Commission
Idaho Commission on Human Rights
Illinois Department of Human Rights
Indiana Civil Rights Commission
Iowa Commission on Civil Rights
Jacksonville (Fla.) Community Relations Commission
Kansas Commission on Human Rights
Kentucky Commission on Human Rights
Lexington-Fayette (Ky.) Urban County Human Rights Commission
Lincoln (Neb.) Commission on Human Rights
Madison (Wi.) Equal Opportunities Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination
Michigan Civil Rights Commission
Minneapolis (Mn.) Department of Civil Rights
Minnesota Department of Human Rights
Missouri Commission on Human Rights
Montana Commission for Human Rights
Montgomery County (Md.) Human Relations Commission
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New Hanover (NC) Human Relations Commission
New Jersey Division of Civil Rights, Department of Law and Public Safety
New Mexico Human Rights Commission
New York City (N.Y.) Commission on Human Rights
New York State Division on Human Rights
North Dakota Department of Labor
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Neb.) Human Relations Commission
Oregon Bureau of Labor
Orlando (Fla.) Human Relations Commission
Pennsylvania Human Relations Commission
Philadelphia (Pa.) Commission on Human Relations
Pittsburgh (Pa.) Commission on Human Rights
Prince George's County (Md.) Human Relations Commission
Rhode Island Commission for Human Rights
Rockville (Md.) Human Rights Commission
St. Louis (Mo.) Civil Rights Enforcement Agency
St. Paul (Mn.) Department of Human Rights
St. Petersburg (Fla.) Office of Human Rights
Seattle (Wa.) Human Rights Commission
Sioux Falls (S.D.) Human Relations Commission
South Carolina Human Affairs Commission
South Dakota Division of Human Rights
Springfield (Oh.) Human Relations Commission
Tacoma (Wa.) Human Rights Commission
Tennessee Commission for Human Development
Utah Industrial Commission
Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington Human Rights Commission
West Virginia Human Rights Commission
Wheeling (W.Va.) Human Rights Commission

Wichita (Ks.) Commission on Civil Rights
Wisconsin Equal Rights Division, Department of Industry Labor and Human Relations
Wisconsin State Personnel Commission
Wyoming Fair Employment Practices Commission

(b) The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources
Ohio Director of Industrial Relations
Raleigh (N.C. Human Resources Department, Civil Rights Unit (Sec. 713 (a) 78 Stat. 265 (42 USC 20003—12(a)).

Signed at Washington, D.C. this 25th day of September 1980.

For the Commission:

John E. Rayburn,

Director, State and Local Division.

[FR Doc. 80-30260 Filed 9-29-80; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[FRL 1619-8; PP OF2328/R275]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on raw Agricultural Commodities; N,N-Diethyl-2-(1-Naphthalenyloxy)Propionamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy)propionamide in or on the raw agricultural commodity pistachio nuts at 0.1 part per million (ppm). This regulation was requested by Stauffer Chemical Co. This regulation will establish the maximum permissible level for residues of the herbicide on pistachio nuts.

DATE: Effective on September 30, 1980.

ADDRESSES: Written objections may be submitted to: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Rm E-359, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 22, 1980 (45 FR 27009) that Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804, had filed a pesticide petition (OF2328) with the EPA. This petition proposed that a tolerance be established for residues of the herbicide *N,N*-diethyl-2-(1-napthalenyloxy)propionamide in or on the raw agricultural commodity pistachio nuts at 0.1 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an acute oral lethal dose (LD_{50}) in rats of 4.64 grams (g)/kilogram (kg); an acute dermal LD_{50} in rabbits of 4.64 g/kg; an eye irritation (rabbits)—non-irritating; an inhalation study in rats with an LD_{50} greater than 9.5 milligrams (mg)/liter (l)/hour (hr); acute oral LD_{50} in rats with an LD_{50} greater than 5,000 mg/kg; acute dermal LD_{50} with an LD_{50} of greater than 2,000 mg/kg; an eye irritation (rabbits) non-irritating using 10 mg/eye; acute oral LD_{50} (guinea pigs) with an LD_{50} of 2,710 mg/kg; acute LD_{50} (male mice) with an LD_{50} greater than 4,640 mg/kg; a 90-day rat feeding study with a no-observed-effect-level (NOEL) of 25 mg/kg of body weight (bw)/day (reduced uterine weight); dog feeding study with a NOEL of 40 mg/kg of bw/day (loss of bw and effect on liver).

Information or data that are desirable or lacking are: submission of teratogenicity and mutagenicity data; and final review of a 2-year rat study; a 3-generation rat reproduction study; and a 2-year mouse study. Preliminary review of these studies show a NOEL of 10 mg/kg of bw/day.

Tolerances of 0.1 ppm have previously been established for *N,N*-diethyl-2-(1-naphthalenyloxy)propionamide in almond hulls and figs, and the crop groups: citrus fruits, pome fruits, small fruits, stone fruits, fruiting vegetables, and nuts. The allowable daily intake (ADI), maximal permissible intake (MPI), and theoretical maximal permissible intake (TMRC), cannot be calculated until completion of review of the long-term studies. Because a tolerance of 0.1 ppm has been previously established on the crop grouping-nuts, there is no additional risk to humans or the environment from establishment of this tolerance.

There are no regulatory actions pending against registration of this product. The nature of the residues are adequately understood and an adequate analytical method (gas chromatography using a nitrogen-specific Coulson Conductivity detector) is available for enforcement purposes. Because pistachios are not feed items and the label prohibits grazing, there is no reasonable expectation of secondary residues in meat, milk, poultry, or eggs, as a result of this tolerance. The tolerance will protect the public health.

Any person adversely affected by registration of this pesticide may, October 30, 1980 file written objections with the Hearing Clerk, Rm. M-3708, (A-110), EPA, 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed 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: September 30, 1980.

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

Dated: September 22, 1980

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting "pistachio nuts" in the table under § 180.328 to read as follows:

§ 180.328 N,N-diethyl-2-(1-naphthalenyloxy)propionamide; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Pistachio nuts	0.1
* * * * *	

[FR Doc. 80-30200 Filed 9-29-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5767

Alaska; Public Land Order No. 5707; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This document will correct an error in the land description of Public Land Order No. 5707 of February 11, 1980.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Beau McClure 202–343–6511.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

In FR Doc. 80–4707 appearing at 45 FR 9562 published on February 12, 1980, the last line of the second paragraph on page 9684 is corrected by replacing "32 W" with "33 W" immediately before the words "Seward Meridian."

That paragraph shall now read:

Thence easterly, on the First Standard Parallel North approximately 12½ miles to the standard ¼ section corner of section 33, T. 5 N., R. 33 W., Seward Meridian;

September 22, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80–30075 Filed 9–29–80; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 6

Rules Pertaining to Systems of Records Exempt From Certain Requirements of the Privacy Act of 1974

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Federal Emergency Management Agency, hereby adopts a rule exempting certain systems of records under subsections (j) and (k) of the Privacy Act. The systems are proposed to be exempted to maintain confidentiality of data obtained from various sources which are investigative in nature and are used for law enforcement purposes. Exempted are records in any of the systems of records maintained by FEMA which contain any information properly classified under Executive Orders and which are required by the Executive Order to be kept secret in the national defense or foreign policy.

FOR FURTHER INFORMATION CONTACT: Linda M. Hartford, Office of Public Affairs, Federal Emergency Management Agency, (202) 634–6772.

DATE: This rule is effective September 30, 1980.

SUPPLEMENTARY INFORMATION: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency. The Plan was activated effective April 1, 1979, by Executive Order 12127 "Federal Emergency Management Agency," 44 FR 19367. The Plan, Executive Order 12127 and Executive Order 12148 "Federal Emergency Management," effective July 15, 1979, 44 FR 43239, together transferred to the new agency functions of five existing agencies in four departments of parent agencies. Because the records were transferred to the Federal Emergency Management Agency, it is necessary for us to now exempt these systems under FEMA regulations rather than the predecessor departments' of parent agencies' regulations. The systems were all existing exempt systems of records prior to the creation of FEMA. On August 1, 1980, at 45 FR 51426, FEMA published a notice of proposed rulemaking. Comments were due September 2, 1980. None has been received. This rule is procedural and hence can be made effective immediately.

In accordance with the above, Part 6 of Chapter 1 of Title 44 CFR is amended:

(1) By adding §§ 6.86 and 6.87 to the Table of Contents under Subpart G.

Subpart G—Exempt Systems of Records

Sec.
6.86 General exemptions.
6.87 Specific exemptions.

(2) By adding at the end of Subpart G as follows:

Subpart G—Exempt Systems of Records

§ 6.86 General exemptions.

(a) Whenever the Director, Federal Emergency Management Agency, determines it to be necessary and proper, with respect to any system of records maintained by the Federal Emergency Management Agency, to exercise the right to promulgate rules to exempt such systems in accordance with the provisions of 5 U.S.C. 552a (j) and (k), each specific exemption, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for each exemption shall be published in the **Federal Register** as part of FEMA's Notice of Systems of Records.

(b) Exempt under 5 U.S.C. 552a(j)(2) from the requirements of 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2), (3), (e)(4) (G), (H), and (I), (e) (5) and (8) (f) and (g) of the Privacy Act.

(1) *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552(j)(2), shall be exempt from the provisions of 5 U.S.C. 552a listed in paragraph (b) of this section.

General Investigative Files (FEMA/IG–2)—Limited Access

(2) *Reasons for exemptions.* (i) 5 U.S.C. 552a (e)(4)(G) and (f)(1) enable individuals to be notified whether a system of records contains records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed system of records would give individuals an opportunity to learn whether they are of record either as suspects or as subjects of a criminal investigation; this would compromise the ability of the Federal Emergency Management Agency to complete investigations and identify or detect violators of laws administered by the Federal Emergency Management Agency or other Federal agencies. Individuals would be able (A) to take steps to avoid detection, (B) to inform co-conspirators of the fact that an investigation is being conducted, (C) to learn the nature of the investigation to which they are being subjected, (D) to learn the type of surveillance being utilized, (E) to learn whether they are only suspects or identified law violators, (F) to continue to resume their illegal conduct without fear of detection upon learning that they are not in a particular system of records, and (G) to destroy evidence needed to prove the violation.

(ii) 5 U.S.C. 552a (d)(1), (e)(4)(H) and (f)(2), (3) and (5) enable individuals to gain access to records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed system of records would compromise its ability to complete or continue criminal investigations and to detect or identify violators of laws administered by the Federal Emergency Management Agency or other Federal agencies. Permitting access to records contained in the above-listed system of records would provide individuals with significant information concerning the nature of the investigation, and this could enable them to avoid detection or apprehension in the following ways: (A) By discovering the collection of facts

which would form the basis for their arrest, (B) by enabling them to destroy evidence of criminal conduct which would form the basis for their arrest, and (C) by learning that the criminal investigators had reason to believe that a crime was about to be committed, they could delay the commission of the crime or change the scene of the crime to a location which might not be under surveillance. Granting access to ongoing or closed investigative files would also reveal investigative techniques and procedures, the knowledge of which could enable individuals planning criminal activity to structure their future operations in such a way as to avoid detection or apprehension, thereby neutralizing law enforcement officers' established investigative tools and procedures. Further, granting access to investigative files and records could disclose the identity of confidential sources and other informers and the nature of the information which they supplied, thereby endangering the life or physical safety of those sources of information by exposing them to possible reprisals for having provided information relating to the criminal activities of those individuals who are the subjects of the investigative files and records; confidential sources and other informers might refuse to provide criminal investigators with valuable information if they could not be secure in the knowledge that their identities would not be revealed through disclosure of either their names or the nature of the information they supplied, and this would seriously impair the ability of the Federal Emergency Management Agency to carry out its mandate to enforce criminal and related laws. Additionally, providing access to records contained in the above-listed system of records could reveal the identities of undercover law enforcement personnel who compiled information regarding individual's criminal activities, thereby endangering the life or physical safety of those undercover personnel or their families by exposing them to possible reprisals.

(iii) 5 U.S.C. 552a(d) (2), (3) and (4), (e)(4)(H) and (f)(4), which are dependent upon access having been granted to records pursuant to the provisions cited in paragraph (b)(ii) of this section, enable individuals to contest (seek amendment to) the content of records contained in a system of records and require an agency to note an amended record and to provide a copy of an individual's statement (of disagreement with the agency's refusal to amend a record) to persons or other agencies to whom the record has been disclosed. The Federal Emergency Management Agency believes that the reasons set forth in paragraph (b)(ii) of this section are equally applicable to this paragraph and, accordingly, those reasons are hereby incorporated herein by reference.

(iv) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request; such accountings must state the date, nature and purpose of each disclosure of a record and the name and address of the recipient. The Federal Emergency Management Agency believes that application of this provision to the above-listed system of records would impair the ability of other law enforcement agencies to make effective use of information provided by the Federal Emergency Management Agency in connection with the investigation, detection and apprehension of violators of the criminal laws enforced by those other law enforcement agencies. Making accountings of disclosure available to violators or possible violators would alert those individuals to the fact that another agency is conducting an investigation into their criminal activities, and this could reveal the geographic location of the other agency's investigation, the nature and purpose of that investigation, and the dates on which that investigation was active. Violators possessing such knowledge would thereby be able to take appropriate measures to avoid detection or apprehension by altering their operations, by transferring their criminal activities to other geographic areas or by destroying or concealing evidence which would form the basis for their arrest. In addition, providing violators with accountings of disclosure would alert those individuals to the fact that the Federal Emergency Management Agency has information regarding their criminal activities and could inform those individuals of the general nature of that information; this, in turn, would afford those individuals a better opportunity to take appropriate steps to avoid detection or apprehension for violations of criminal and related laws.

(v) 5 U.S.C. 552a(c)(4) requires that an agency inform any person or other agency about any correction or notation of dispute made by the agency in accordance with 5 U.S.C. 552a(d) of any record that has been disclosed to the person or agency if an accounting of the disclosure was made. Since this provision is dependent on an individual's having been provided an opportunity to contest (seek amendment to) records pertaining to him/her, and since the above-listed system of records is proposed to be exempt from those provisions of 5 U.S.C. 552a relating to amendments of records as indicated in paragraph (b)(iii) of this section, the Federal Emergency Management Agency believes that this provision should not be applicable to the above system of records.

(vi) 5 U.S.C. 552a(e)(4)(I) requires that an agency publish a public notice listing the categories of sources for information contained in a system of records. The categories of sources of this system of records have been published in the **Federal Register** in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(vii) 5 U.S.C. 552a(e)(1) requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term "maintain" as defined in 5 U.S.C. 552a(a)(3) includes "collect" and "disseminate." At the time that information is collected by the Federal Emergency Management Agency, there is often insufficient time to determine whether the information is relevant and necessary to accomplish a purpose of the Federal Emergency Management Agency; in many cases information collected may not be immediately susceptible to a determination of whether the information is relevant and necessary, particularly in the early stages of an investigation, and in many cases, information which initially appears to be irrelevant or unnecessary may, upon further evaluation or upon continuation of the investigation, prove to have particular relevance to an enforcement program of the Federal Emergency Management Agency. Further, not all violations of law discovered during a criminal investigation fall within the investigative jurisdiction of the Federal Emergency Management Agency; in order to promote effective law enforcement, it often becomes necessary and desirable to disseminate information pertaining to such violations to other law enforcement agencies

which have jurisdiction over the offense to which the information relates. The Federal Emergency Management Agency should not be placed in a position of having to ignore information relating to violations of law not within its jurisdiction when that information comes to the attention of the Federal Emergency Management Agency through the conduct of a lawful FEMA investigation. The Federal Emergency Management Agency, therefore, believes that it is appropriate to exempt the above-listed system of records from the provisions of 5 U.S.C. 552a(e)(1).

(viii) 5 U.S.C. 552a(e)(2) requires that an agency collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The Federal Emergency Management Agency believes that application of this provision to the above-listed system of records would impair the ability of the Federal Emergency Management Agency to conduct investigations and to identify or detect violators of criminal or related laws for the following reasons: (A) most information collected about an individual under criminal investigations is obtained from third parties such as witnesses and informers, and it is usually not feasible to rely upon the subject of the investigation as a source for information regarding his/her criminal activities, (B) an attempt to obtain information from the subject of a criminal investigation will often alert that individual to the existence of an investigation, thereby affording the individual an opportunity to attempt to conceal his/her criminal activities so as to avoid apprehension, (C) in certain instances, the subject of a criminal investigation is not required to supply information to criminal investigators as a matter of legal duty, and (D) during criminal investigations it is often a matter of sound investigative procedures to obtain information from a variety of sources in order to verify information already obtained.

(ix) 5 U.S.C. 552a(e)(3) requires that an agency inform each individual whom it asks to supply information, either on the form which the agency uses to collect the information or on a separate form which can be retained by the individual, with the following information: the authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary; the principal purposes for which the information is intended to be used; the routine uses which may be made of the information; and the effects on the individual of not providing all or part of the requested information. The Federal Emergency Management Agency believes that the above-listed system of records should be exempted from this provision in order to avoid adverse effects on its ability to identify or detect violators of criminal or related laws. In many cases, information is obtained by confidential sources, other informers or undercover law enforcement officers under circumstances where it is necessary that the true purpose of their actions be kept secret so as to avoid alerting the subject of the investigation or his/her associates that a criminal investigation is in process. Further, if it became known that the undercover officer was assisting in a criminal investigation, that officer's life or physical safety could be endangered through reprisal, and, under such circumstances it may not be possible to continue to utilize that officer in the investigation. In many cases, individuals, for personal reasons, would feel inhibited in talking to a person representing a criminal law enforcement agency but would be willing to talk to a confidential source or undercover officer who they believe is not involved in law enforcement activities. In addition, providing a source of information with written evidence that he was a source, as required by this provision, could increase the likelihood that the source of information would be the subject of retaliatory action by the subject of the investigation. Further, application of this provision could result in an unwarranted invasion of the personal privacy of the subject of the criminal investigation, particularly where further investigation would result in a finding that the subject was not involved in any criminal activity.

(x) 5 U.S.C. 552a(e)(5) requires that an agency maintain all records used by the agency in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in the determination. Since 5 U.S.C. 552a(a)(3) defines "maintain" to include "collect" and "disseminate," application of this provision to the above-listed system of records would hinder the initial collection of any information which could not, at the moment of collection, be determined to be accurate, relevant, timely and complete. Similarly, application of this provision would seriously restrict the necessary flow of information from the Federal Emergency Management Agency to other law enforcement agencies when a FEMA investigation revealed information pertaining to a violation of law which was under investigative jurisdiction of another agency. In collecting information during the course of a criminal investigation, it is not possible or feasible to determine accuracy, relevance, timeliness or completeness prior to collection of the information; in disseminating information to other law enforcement agencies it is often not possible to determine accuracy, relevance, timeliness or completeness prior to dissemination because the disseminating agency may not have the expertise with which to make such determinations. Further, information which may initially appear to be inaccurate, irrelevant, untimely or incomplete may, when gathered, grouped, and evaluated with other available information, become more pertinent as an investigation progresses. In addition, application of this provision could seriously impede criminal investigators and intelligence analysts in the exercise of their judgment in reporting on results obtained during criminal investigations. The Federal Emergency Management Agency believes that it is appropriate to exempt the above-listed system of records from the provisions of 5 U.S.C. 552a(e)(5).

(xi) 5 U.S.C. 552a(e)(8) requires that an agency make reasonable effort to serve notice on an individual when any record on the individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The Federal Emergency Management Agency believes that the above-listed system of records should be exempt from this provision in order to avoid revealing investigative techniques and procedures outlined in those records and in order to prevent revelation of the existence on an on-going investigation where there is a need to keep the existence of the investigation secret.

(xii) 5 U.S.C. 552a(g) provides civil remedies to an individual for an agency's refusal to amend a record or to make a review of a request for amendment; for an agency's refusal to grant access to a record; for an agency's failure to maintain accurate, relevant, timely and complete records which are used to make a determination which is adverse to the individual; and for an agency's failure to comply with any other provision of 5 U.S.C. 552a in such a way as to have an adverse effect on an individual. The Federal Emergency Management Agency believes that the above-listed system of records should

be exempted from this provision to the extent that the civil remedies provided therein may relate to provisions of 5 U.S.C. 552a from which the above-listed system of records is proposed to be exempt. Since the provisions of 5 U.S.C. 552a enumerated in paragraphs (i) through (xi) of this section are proposed to be inapplicable to the above-listed systems of records for the reasons stated therein, there should be no corresponding civil remedies for failure to comply with the requirements of those provisions to which the exemption is proposed to apply. Further, the Federal Emergency Management Agency believes that application of this provision to the above-listed system of records would adversely affect its ability to conduct criminal investigations by exposing to civil court action every stage of the criminal investigative process in which information is compiled or used in order to identify, detect, or otherwise investigate persons suspected or known to be engaged in criminal conduct.

(xiii) Individuals may not have access to another agency's records, which are contained in files maintained by the Federal Emergency Management Agency, when that other agency's regulations provide that such records are subject to general exemption under 5 U.S.C. 552a(j). If such exempt records are within a request for access, FEMA will advise the individual of their existence and of the name and address of the source agency. For any further information concerning the record and the exemption, the individual must contact that source agency.

§ 6.87 Specific exemptions.

(a) *Exempt under 5 U.S.C. 552a(k)(1).* Records in any of the systems of records maintained by the Federal Emergency Management Agency which contain any information properly classified under Executive Order 12065 or subsequent Executive Orders and which are required by the Executive Order to be kept secret in the national defense or foreign policy are exempt from requirements of (d) and (f) of the Act. This exemption which conceivably could be applicable to individual records in any of the systems of records for which FEMA has published a system's notice is necessary because certain records in a system not specifically designated could contain isolated items of information which have been properly classified and which cannot be disclosed.

(b) *Exempt under 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f).* The Federal Emergency Management Agency will not deny individuals access to information which has been used to deny them a right, privilege, or benefit to which they would otherwise be entitled.

(1) *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552a(k)(2), shall be exempt from the provision of 5 U.S.C. 552a listed in paragraph (b) of this section.

General Investigative Files (FEMA/IG–2)—Limited Access

Equal Employment Opportunity complaints of discrimination files (FEMA/EO–1)—Limited Access

Claims (litigation), (FEMA/GC–1)—Limited Access

FEMA Enforcement (Compliance), (FEMA–GC–2)—Limited Access

Operating Personnel Folder Files (FEMA–SUP–1)—Limited Access

(2) *Reasons for exemptions.* (i) 5 U.S.C. 552a (e)(4)(G) and (f)(1) enable individuals to be notified whether a system of records contains records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed systems of records would impair the ability of FEMA to successfully complete investigations and inquiries of suspected violators of civil and criminal laws and regulations under its jurisdiction. In many cases investigations and inquiries into violations of civil and criminal laws and regulations involve complex and continuing patterns of behavior. Individuals, if informed, that they have been identified as suspected violators of civil or criminal laws and regulations, would have an opportunity to take measures to prevent detection of illegal action so as to avoid prosecution or the imposition of civil sanctions. They would also be able to learn the nature and location of the investigation or inquiry, the type of surveillance being utilized, and they would be able to transmit this knowledge to co-conspirators. Finally, violators might be given the opportunity to destroy evidence needed to prove the violation under investigation or inquiry.

(ii) 5 U.S.C. 552a (d)(1), (e)(4)(H) and (f)(2), (3) and (5) enable individuals to gain access to records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed systems of records would impair its ability to complete or continue civil or criminal investigations and inquiries and to detect violators of civil or criminal laws. Permitting access to records contained in the above-listed systems of records would provide violators with significant information concerning the nature of the civil or criminal investigation or inquiry. Knowledge of the facts developed during an investigation or inquiry would enable violators of criminal and civil laws and regulations to learn the extent to which the investigation or inquiry has progressed, and this could provide them with an opportunity to destroy evidence that would form the basis for prosecution or the imposition of civil sanctions. In addition, knowledge gained through access to investigatory material could alert a violator to the need to temporarily postpone commission of the violation or to change the intended point where the violation is to be committed so as to avoid detection or apprehension. Further, access to investigatory material would disclose investigative techniques and procedures which, if known, could enable violators to structure their future operations in such a way as to avoid detection or apprehension, thereby neutralizing investigators' established and effective investigative tools and procedures. In addition, investigatory material may contain the identity of a confidential source of information or other informer who would not want his/her identity to be disclosed for reasons of personal privacy or for fear of reprisal at the hands of the individual about whom he/she supplied information. In some cases mere disclosure of the information provided by an informer would reveal the identity of the informer either through the process of elimination or by virtue of the nature of the information supplied. If informers cannot be assured that their identities (as sources for information) will remain confidential, they would be very reluctant in the future to provide information pertaining to violations of criminal and civil laws and regulations, and this would seriously compromise the ability of the Federal Emergency Management Agency to carry out its mission. Further, application of 5 U.S.C. 552a (d)(1), (e)(4)(H) and (f)(2), (3) and (5) to the above-listed systems of records would make available attorney's work product and other documents which contain evaluations, recommendations, and discussions of on-going civil and criminal legal proceedings; the availability of such documents could have a chilling effect on the free flow of information and ideas within the Federal Emergency Management Agency which is vital to the agency's predecisional deliberative process, could seriously prejudice the agency's or the Government's position in a civil or criminal litigation, and could result in the disclosure of investigatory material

which should not be disclosed for the reasons stated above. It is the belief of the Federal Emergency Management Agency that, in both civil actions and criminal prosecutions, due process will assure that individuals have a reasonable opportunity to learn of the existence of, and to challenge, investigatory records and related materials which are to be used in legal proceedings.

(iii) 5 U.S.C. 552a (d)(2), (3) and (4), (e)(4)(H) and (f)(4) which are dependent upon access having been granted to records pursuant to the provisions cited in paragraph (b)(ii) of this section, enable individuals to contest (seek amendment to) the content of records contained in a system of records and require an agency to note an amended record and to provide a copy of an individual's statement (of disagreement with the agency's refusal to amend a record) to persons or other agencies to whom the record has been disclosed. The Federal Emergency Management Agency believes that the reasons set forth in paragraphs (b)(i) of this section are equally applicable to this subparagraph, and, accordingly, those reasons are hereby incorporated herein by reference.

(iv) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request; such accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. The Federal Emergency Management Agency believes that application of this provision to the above-listed systems of records would impair the ability of the Federal Emergency Management Agency and other law enforcement agencies to conduct investigations and inquiries into civil and criminal violations under their respective jurisdictions. Making accountings available to violators would alert those individuals to the fact that the Federal Emergency Management Agency or another law enforcement authority is conducting an investigation or inquiry into their activities, and such accountings could reveal the geographic location of the investigation or inquiry, the nature and purpose of the investigation or inquiry and the nature of the information disclosed, and the date on which that investigation or inquiry was active. Violators possessing such knowledge would thereby be able to take appropriate measures to avoid detection or apprehension by altering their operations, transferring their activities to other locations or destroying or concealing evidence which would form the basis for prosecution or the imposition of civil sanctions.

(v) 5 U.S.C. 552a(e)(1) requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term "maintain" as defined in 5 U.S.C. 552a(a)(3) includes "collect" and "disseminate." At the time that information is collected by the Federal Emergency Management Agency there is often insufficient time to determine whether the information is relevant and necessary to accomplish a purpose of the Federal Emergency Management Agency; in many cases information collected may not be immediately susceptible to a determination of whether the information is relevant and necessary, particularly in the early stages of investigation or inquiry, and in many cases information which initially appears to be irrelevant or unnecessary may, upon further evaluation or upon continuation of the investigation or inquiry, prove to have particular relevance to an enforcement program of the Federal Emergency Management Agency. Further, not all violations of law uncovered during a Federal Emergency Management Agency inquiry fall within the civil or criminal jurisdiction of the Federal Emergency Management Agency; in order to promote effective law enforcement, it often becomes necessary and desirable to disseminate information pertaining to such violations to other law enforcement agencies which have jurisdiction over the offense to which the information relates. The Federal Emergency Management Agency should not be placed in a position of having to ignore information relating to violations of law not within its jurisdiction when that information comes to the attention of the Federal Emergency Management Agency through the conduct of a lawful FEMAs civil or criminal investigation or inquiry. The Federal Emergency Management Agency therefore believes that it is appropriate to exempt the above-listed systems of records from the provisions of 5 U.S.C. 552a(e)(1).

Dated: September 24, 1980.

John W. Macy, Jr.,

Director.

[FR Doc. 80-30211 Filed 9-29-80; 8:45 am]

BILLING CODE 6718-01-M

44 CFR Part 205

[Docket No. DR-205E]

Disaster Assistance: Public Assistance (Subpart E) Amendment

AGENCY: Federal Emergency Management Agency, Disaster Response and Recovery.

ACTION: Final rule.

SUMMARY: This rule adds material concerning snow removal assistance under the Disaster Relief Act of 1974 by amending portions of 44 CFR Part 205, Subpart E (Public Assistance). The existing rule is expanded to incorporate certain material published previously in FEMA's Guidelines on Snowstorm Emergencies. Portions of the material were revised to clarify snow removal policy and procedures.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Laurie Dove, Office of Public Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 634-7835.

SUPPLEMENTARY INFORMATION: A notice issued in the **Federal Register** on May 2, 1979, establishing CFR Title and Chapter for FEMA regulations (Title 44, Chapter I, Federal Emergency Management Agency, with Subchapters A-E) indicated that Disaster Assistance would be Subchapter D, Parts 200-299. On September 28, 1979, FEMA published a Notice of Transfer and Redesignation that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200-2205 to 44 CFR Part 200 *et seq.* The regulations implementing the Disaster Relief Act of 1974, Pub. L. 93-288 (44 CFR Part 205), are in the process of reorganization and revision.

On November 1, 1979, the then Acting Director for Disaster Response and Recovery published in the **Federal Register** (44 FR 63061) a proposed rule to revise and recodify the material concerning eligibility for public assistance in the existing 44 CFR 205 as a new Subpart E. The rule was expanded to incorporate material previously published in the FEMA Eligibility Handbook, DRR-2 and portions were revised to clarify existing policy and procedures. Comments were invited to December 31, 1979.

Ninety-four responses to the proposed rulemaking commented on FEMA's emergency snow removal policy. These included 20 from State officials; 68 from local officials; five from members of Congress; and one from the Federal Highway Administration. Sixty-six of the sixty-eight local responses were

from Illinois and most were very similar in phraseology and content to a sample letter sent to heads of local governments by the Illinois Director of Emergency Services. Considering these numerous comments and the fact that the 1979–1980 winter season had passed, the Associate Director decided to reserve paragraphs 44 CFR 205.72(f); 44 CFR 205.74(c)(6); and 44 CFR 205.76(d)(4) pending further consultation with individuals representing local and State governments who have participated in past Federal programs of emergency snow removal assistance or who raised many of the issues in the comments. The final rule with the snow removal assistance policy deleted was published on August 13, 1980 (45 FR 53956).

Subsequently, the proposed FEMA snow removal assistance policy was revised following further FEMA consultations with the Federal Highway Administration and the U.S. Army Corps of Engineers, plus discussions with State and local officials on August 14, 1980. Changes were made to (1) modify the proposed definitions of streets and roads etc., in 44 CFR 205.75(c)(6)(i) to conform to the terminology used by the Federal Highway Administration; (2) provide that States are eligible applicants under Section 205.72(f)(3); (3) establish a basis for, in some instances, waiving the requirement for an applicant to cost share under Section 205.76(d)(4)(i) when it is financially impossible to do so; and (4) allow certain mobilization/demobilization costs as eligible for reimbursement under Section 205.76(d)(4)(iv)(c). The above changes are responsive to the major objections registered against the proposed rule.

A Finding of No Significant Impact has been made in accordance with FEMA Environmental Assessment regulations 44 CFR Part 10.9(e).

Interested parties may obtain and inspect copies of this Finding of No Significant Impact at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472.

The regulation is in consonance with the provisions of the Executive Order dated November 16, 1979, and does not impose an unnecessary burden on the small business sector of the economy.

The regulation does not impact adversely on the central cities, suburban communities, or non-metropolitan communities. As provided in Executive Order 12044 dated March 23, 1968, the regulation does not have any significant economic consequences on the general economy, individual industries, geographic regions, or levels of government.

Also, certain renumbering is necessary in Subpart A of Part 205. Accordingly, 44 CFR Part 205 is amended by renumbering Section 205.601 and 205.602 as 205.17 and 205.18, respectively, and the Table of Contents to Subpart A is amended by adding these sections with appropriate title. The renumbering is effective September 30, 1980.

Accordingly, 44 CFR Part 205 of the Federal Disaster Assistance Regulations is amended by adding Sections 205.72(f), 205.74(c)(6) and 205.76(d)(4) to Subpart E (Public Assistance) as follows:

Subpart E—Public Assistance

§ 205.72 Applicant eligibility.

* * * * *

(f) *Eligibility of applicants for emergency snow removal assistance.* (1) To qualify as an eligible applicant, any State or local government (as defined in section 102(4) or (6), of the Act) must have adequately documented responsibility for emergency snow removal from thru public roads or thru public streets.

(2) Private non-profit organizations are not eligible.

§ 205.74 Emergency work.

* * * * *

(c) *Emergency protective measures.* * * *

(6) Emergency snow removal assistance.

(i) Definitions:

(A) "Local roads and streets" means local county roads and city streets which do not serve thru traffic and are of only local interest. Their main function is to provide access to abutting property.

(B) "Collector roads and streets" means local collector roads and streets which serve thru traffic and provide access to higher type roads and facilitate community activities but are primarily of local interest. One of their major functions is to provide access of abutting property.

(C) "Minor arterial roads and streets" means roads and streets which serve thru traffic and provide access to higher type roads, connecting communities in nearby areas in addition to serving adjacent property.

(D) "Principal arterials" means roads and streets which serve thru traffic and are of statewide interest. They carry high volumes of traffic between population centers and are designed to facilitate traffic movement with limited land access. It also means roads and streets which serve thru traffic only and provide no access to abutting property. (For further clarification, refer to the functional classifications for highways as determined pursuant to 23 CFR 470.107(b)(3)).

(ii) *Eligible work.* When approved by the Regional Director, the following types of facilities are eligible:

(A) Thru traffic lanes of collector roads and streets; minor arterial roads and streets; and principal arterials.

(B) Tracks and rights-of-way of urban mass transit systems only when necessary for the resumption of urban high volume traffic.

(iii) *Ineligible work.* The following types of facilities are not eligible:

(A) Local roads and streets (these normally will include alleys and cul-de-sacs and residential streets where 24-hour parking is permitted during snow emergencies).

(B) Other facilities including:

(*1*) parking lots (except where needed and used for emergency snow removal operations)

(*2*) playgrounds

(*3*) recreational or park facilities

(*4*) airports (except for emergency road access)

(*5*) public housing authorities (except for emergency entrance to housing areas)

(*6*) cultural facilities

(*7*) hospitals and other medical care facilities (except for emergency access).

§ 205.76 Eligibility of costs.

* * * * *

(d) *Emergency work.* * * *

(4) *Snow removal.* (i) FEMA reimbursement will be made to eligible applicants (see Part 44 CFR 205.72(f)(1)) in an amount not to exceed one half of the eligible costs incurred for eligible work performed in designated areas during the established incidence period, except in those unusual cases when the applicant and the State are financially unable to cost share as determined by the FEMA Associate Director, ODR&R.

(ii) Any applicant which requested direct Federal assistance for emergency snow removal shall reimburse FEMA for one half of the eligible costs incurred for eligible work performed in designated areas during the established incidence periods including any overhead or administrative expenses paid by FEMA to the Federal agency performing the mission assignment, except in those unusual cases as indicated in Section 205.76(d)(4)(i), above.

(iii) The following types of costs may be eligible when approved by the Regional Director:

(A) Costs of equipment operations to perform eligible emergency snow removal. Only those types of equipment are eligible that are listed in the

applicable Schedule of Rates approved by FEMA.

(B) Costs to remove stalled or abandoned vehicles and other obstructions when necessary to accomplish eligible emergency snow removal by equipment operations.

(C) Costs of mobilization and demobilization of equipment, actually used to perform eligible work, involving transportation less than 300 miles, one way.

(iv) The following types of costs of emergency snow removal are not eligible:

(A) Costs of hand labor.

(B) Costs of salt, sand, and other such antislip measures. These are normal maintenance costs which do not necessarily increase with the depth of the snowfall.

(C) Cost of transportation in excess of 300 miles for one way for mobilization or demobilization of equipment.

(Sec. 601, Disaster Relief Act of 1974, as amended, Pub. L. 93–288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148 (44 FR 43239); and Delegation of Authority (44 FR 44792))

Issued at Washington, D.C.

Dated: September 25, 1980.

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-30210 Filed 9-29-80; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. I

[CGD 80-123]

Approval of Incorporation by Reference Material and Editorial Changes

AGENCY: Coast Guard, DOT.

ACTION: Editorial changes.

SUMMARY: This document announces editorial and format changes to Title 46, Chapter I, of the Code of Federal Regulations made necessary by new publication procedures required by the Office of the Federal Register. These prodedures are intended to make it easier for the public to identify incorporated material and to ensure that only material currently enforced by an agency is incorporated by reference.

Additionally, this document announces editorial changes made necessary by the Panama Canal Treaty of 1977. Regulations in the chapter no longer apply to Panama Canal Zone for lack of territorial jurisdiction. Therefore, references to the Panama Canal Zone are being deleted.

This document also corrects the mailing address (zip code) of U.S. Coast Guard Headquarters.

EFFECTIVE DATE: These changes are effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce P. Novak, Marine Safety Council (G–CMC), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–1479. Normal office hours are between 7 a.m. and 5 p.m. Monday through Thursday, except holidays.

Incorporation by Reference

On March 29, 1979, the Office of the Federal Register established new procedures that agencies must follow to continue the Director's approval of material previously incorporated by reference (44 FR 18630, 1 CFR 51.13).

These procedures require all agencies who wish to continue the Director's approval of material previously incorporated by reference to reapply for that approval. Furthermore, to assure that the system is kept up-to-date after material is approved, each agency is required to submit annually to the Director a list identifying all incorporated material enforced by the agency and the date of its last revision. To accommodate these procedures, editorial changes are being made throughout Chapter I, of Title 46, Code of Federal Regulations. Incorporation by reference in the text of a regulation will be cited without reference to volume numbers or dates. The specific edition of the material incorporated by reference will be contained in the Table of Incorporation by Reference which will appear at the end of Title 46, Chapter I.

The current Table of Incorporation by Reference for Title 46 CFR, Chapter I, is printed in Part III of this issue of the **Federal Register.**

Miscellaneous Editorial Amendments

On October 1, 1979, the Panama Canal Treaty of 1977 became effective and the United States no longer exercises territorial jurisdiction over the Panama Canal Zone. Therefore, editorial changes are being made throughout Chapter I, Title 46, Code of Federal Regulations to delete references to the applicability of of regulations to the "Panama Canal Zone," "the Canal Zone," or "the Panama Canal."

During 1979 Coast Guard Headquarters moved from the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 to the U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington D.C. 20593. In connection with this change a new zip code was assigned. The new zip code, 20593, is being inserted throughout Chapter I of Title 46, Code of Federal Regulations.

The above editorial changes are not being published separately in the **Federal Register.** They will appear in the October 1, 1980 edition of Title 46, Code of Federal Regulations.

Dated: September 24, 1980.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 80-30058 Filed 9-29-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of the Moosehorn National Wildlife Refuge, Maine, to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Moosehorn National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: November 8, 1980, through November 29, 1980. Saturday, November 8, will be open for Maine resident hunters only.

FOR FURTHER INFORMATION CONTACT: Douglas Mullen, Moosehorn National Wildlife Refuge, P.O. Box X, Calais, Maine 04619, Telephone No. 207–454–3521.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which

Moosehorn National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Section 32.32 is added as set forth below.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted except on areas designated by signs as closed during the State firearms season. This open area, is shown on maps available at Refuge Headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Hunting shall be in accordance with State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

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

Dated: September 19, 1980.

Howard N. Larsen,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-30074 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 45, No. 191
Tuesday, September 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.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 416

Pea Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring peas effective with the 1981 and succeeding crop years. This rule combines previous regulations for insuring peas into one shorter, clearer, and simpler document which will be easier to understand and to administer. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than December 1, 1980, in order to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance, Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

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

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

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue 7 CFR Part 416 Pea Crop Insurance Regulations, as published in the **Federal Register** on Thesday, May 1, 1979 (44 FR 25397), effective with the 1981 and succeeding crop years.

In addition to shortening and simplifying the regulations to make them easier to read and understand, the proposed 7 CFR Part 416 provides (1) for a premium adjustment table that affords up to a 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience in place of the present premium discount system, (2) that any premium not paid by the termination for indebtedness date will be increased by a 9 percent charge, with a 9 percent simple interest applying to any unpaid balance at the end of each subsequent 12–month period thereafter, (3) that the termination date for nonpayment of premium will be March 31 (changed from April 15 in Minnesota and Wisconsin, March 15 in Oregon, and April 1 in all other States), (4) for three coverage level options in each county, (5) that the actuarial table will provide the level of insurance which will be applicable to contracts unless a different level is elected by the insureds, and (6) for additional price elections per pound for green peas in certain instances to compensate for variations in contract prices.

All previous regulations applicable to insuring peas as found in 7 CFR Part 416 will remain in effect for Federal Crop Insurance Corporation pea insurance policies issued for crop years prior to 1981.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, 9:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue the Pea Crop Insurance Regulations (7 CFR 416) effective for the 1981 and succeeding crop years to read as follows:

PART 416—PEA CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

416.1 Availability of pea insurance.
416.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
416.3 Public notice of indemnities paid.
416.4 Creditors.
416.5 Good faith reliance on misrepresentation.
416.6 The contract.
416.7 The application and policy.

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

Subpart—Regulations for the 1981 and Succeeding Crop Years

§ 416.1 Availability of pea insurance.

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

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

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

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

§ 416.3 Public notice of indemnities paid.

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

§ 416.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien,

mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 416.5 Good faith reliance on misrepresentation.

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

§ 416.6 The contract.

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

§ 416.7 The application and policy.

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

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

(c) In accordance with the provisions governing changes in the contract contained in policies isued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a pea contract issued under such prior regulations, without the filing of a new application.

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

U.S. Department of Agriculture, Federal Crop Insurance Corporation, Application for 19— and Succeeding Crop Years, PEA, Crop Insurance Contract

(Contract No.) _____
(Identification No.) _____
(Name and address) _____
(ZIP Code) _____
(County) _____
(State) _____
TYPE OF ENTITY _____
Applicant is over 18—Yes——No——

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the peas planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed, except that for green peas, if the price election exceeds the processor contract price for the applicable tenderometer reading or sieve size shown on the actuarial table the applicable election will be the highest election available that does not exceed the processor contract price. The premium rates and production guarantees shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.
Level election _____
Price election _____

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

Location/ farm No.	Guarantee per acre [1]	Premium per acre [2]	Practice	(A)

[1] Your guarantee will be on a unit basis (acres × per acre guarantee × share).
[2] Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This accepted application, the following per insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.
Signature of applicant _____
Date _____, 19—
Code No./witness to signature _____
Address of Office for County:
_____
Phone _____
Location of farm headquarters:
_____
Phone _____

Pea Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

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

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) *green pea* acreage not being timely harvested unless the Corporation determines that, because of unusual weather conditions, a substantial percentage of such acreage in an area was ready for harvest at the same time, (2) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (3) failure to follow recognized good farming practices, (4) damage resulting from the backing up of water by any governmental or public utilities

dam or reservoir project, or (5) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and acreage insured.* (a) The crop insured shall be *green* or *dry peas* which are planted for harvest as peas and which are grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage planted to peas on insurable acreage, as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) of *green peas* not grown under a processor contract or excluded from such contract for the crop year pursuant to the terms thereof, (2) which was planted to peas the previous two crop years, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (5) which is destroyed and after such destruction, it was practical to replant to peas of the same type of *green peas* or the same varietal group of *dry peas* as shown on the actuarial table and such acreage was not replanted, (6) initially planted after the date on file in the office for the county which has been established by the Corporation, as being too late to initially plant and expect a normal crop to be produced, (7) of volunteer peas, (8) planted to a type or variety of peas not established as adapted to the area or shown as noninsurable on the actuarial table, (9) planted with another crop, or (10) planted for the development or production of hybrid seed or for experimental purposes.

(c) An instrument in the form of a "lease" under which the insured grower retains control of the acreage on which the insured peas are grown and which provides for delivery of the peas under certain conditions and at a stipulated price(s) shall, for the purpose of this contract, be treated as a processor contract under which the insured has a share in the peas.

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

4. *Production guarantees, coverage levels, and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table. Where the actuarial table shows a guarantee for both *green* and *dry peas* the applicable guarantee for any acreage shall be determined by the type of *green peas* or varietal group of *dry peas* shown on the acreage report.

(b) If any acreage shown on the acreage report as *green peas* is harvested as *dry peas,* the guarantee for such acreage shall be reduced 40 percent.

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

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

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

(c) The premium shall be adjusted separately for *green peas* and for *dry peas* as shown in the following table:

BILLING CODE 3410-08-M

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

BILLING CODE 3410-08-C

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

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

6. Insurance period. Insurance on insured acreage shall attach at the time the peas are planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, vining, or removal of the peas from the field, (c) total destruction of the insured pea crop, or (d) September 15 of the calendar year in which peas are normally havested: *Provided, however,* That if any acreage of *green peas* is not timely harvested, insuance shall be deemed to have ceased when the acreage should have been harvested, as determined by the Corporation.

7. Notice of Damage or Loss. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if (1) during the period before harvest, the peas on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or (2) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to peas of the same type or varietal group. Notice shall also be given when such acreage has been put to another use.

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

(d) In addition to the notices required in subsection (b) and (c) of this section, if an indemnity is to be claimed on any unit of *green peas,* notice shall be given (1) no later than 48 hours after harvesting of the peas has been discontinued on a unit, before all the acreage is harvested, or (2) before harvest would normally start if any acreage on a unit is not to be harvested.

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

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

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

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

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

(1) The pounds of the production to be counted for *green peas* shall be determined as follows: for harvested production, the dollar value received from the processor shall be divided by the processor contract price per pound for the tenderometer reading or sieve size shown on the actuarial table or if the Corporation determines that any acreage of *green peas* was not timely harvested, the production to count will be the greater of the appraised production with no adjustment for quality or the processor payment divided by the processor price per pound for the applicable tenderometer reading or sieve size shown on the actuarial table.

(2) The pounds of the production to be counted for muture *dry peas* which do not grade No. 3 or better, or lentils which do not grade No. 2 or better (determined in accordance with United States Standards for *dry peas* and lentils) because of poor quality due to insurable causes occuring within the insurance period, shall be reduced by (i) dividing the value per pound of the damaged peas, as determined by the Corporation, by the price per pound for the same variety of *dry peas* grading No. 3 (No. 2 for lentils) and (ii) multiplying the result thus obtained by the pounds of such peas. The applicable price of No. 3 *dry peas* (No. 2 lentils) shall be the market price for such peas on the earlier of: the day the loss is adjusted or the day the damaged peas were sold.

(3) Appraised production to be counted shall include: (i) the greater of the appraised production or 40 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is planted before pea harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage, for uninsured causes, and for poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned, put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of 20 percent of the production guarantee for all other unharvested acreage.

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

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

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

11. Records and Access to Farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all peas produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such

records and the farm for purposes related to the contract.

12. Life of Contract: Cancellation and Termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

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

(c) Following are the cancellation and termination dates:

State.—All states.

Cancellation date.—Dec. 31.

Termination date for indebtedness.—Mar. 31.

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

Appendix
(Additional Terms and Conditions)

1. Meaning of Terms.

For the purposes of pea crop insurance:

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

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

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

(d) "Harvest" as to any *green pea* acreage means the vining or combining and acceptance by the processor of the peas from such acreage. "Vining" or "combining" means separating the peas from the pods. "Harvest" as to any *dry pea* acreage means combining peas which are or could be marketed as *dry peas.*

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

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

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

(h) "Peas" means either (1) canning and freezing peas (herein called *green peas*) grown under a contract executed with a processor by the time the acreage to be insured is reported or (2) all spring-planted smooth green and yellow, and wrinkled varieties of dry peas and lentils (herein called *dry peas*).

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

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

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

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

2. Acreage insured.

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

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

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

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

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

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

5. Claim for and Payment of Indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

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

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

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

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

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

(g) The Corporation reserves the right to reject any claim for indemnity if any of the

requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

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

7. Termination of the Contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

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

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

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

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

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

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40. This action will not have a significant impact specifically on area and community development; therefore, review as required by OMB Circular A–95 is inapplicable.

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by.

Roland Wentzel,

Acting Manager.

Dated: September 22, 1980.

[FR Doc. 80–30063 Filed 9–29–80; 8:45 am]

BILLING CODE 3410–08–M

Agricultural Stabilization and Conservation Service

7 CFR Part 701

Conservation and Environmental Programs; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: This document announces a public meeting at which comments and suggestions may be presented by any interested persons concerning the procedure governing the Conservation and Environmental Programs administered by the Agricultural Stabilization and Conservation Service (ASCS).

DATES: Public meeting date: November 5, 1980.

ADDRESSES: Public meeting location: Room 2–W, U.S. Department of Agriculture, 12th and Independence Ave. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John R. Henry, Chief, Conservation Programs Branch, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, Room 3096, South Building, Washington, D.C. 20013, (202) 447–7333

SUPPLEMENTARY INFORMATION: The Agricultural Stabilization and Conservation Service (ASCS) will hold a public meeting at which comments and suggestions may be presented by any interested persons concerning the procedure governing the Conservation and Environmental Programs administered by ASCS. The meeting is scheduled to be held from 10-00 a.m. to 12:00 p.m. and from 1:00 p.m. to 3:00 p.m. on November 5, 1980 in Room 2–W, U.S. Department of Agriculture, 12th and Independence Ave. SW., Washington, D.C. Meeting sessions will be open to the public. The agenda will include a review of the programs and an opportunity for the presentation of comments on the programs. The Agricultural Conservation Program (ACP) will be discussed from 10:00 a.m. to 12:00 p.m. The Emergency Conservation Program (ECP), Forestry Incentives Program (FIP), the Water Bank Program (WBP), and the Rural Clean Water Program (RCWP) will be discussed from 1:00 p.m. to 3:00 p.m. The meeting may also include discussion of current procedures, criteria, and guidelines relevant to the implementation of these programs.

Because of the limitations on space available, persons desiring to attend the meeting should call Mr. John R. Henry (202) 447–7333 to reserve a seat.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80–30028 Filed 9–29–80; 8:45 am]

BILLING CODE 3410–05–M

Agriculture Stabilization and Conservation Service

7 CFR Part 725

Flue-Cured Tobacco; 1981 National Marketing Quotas for Flue-Cured Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture must announce by December 1, 1980, the national marketing quotas for flue-cured tobacco for the 1981–82 marketing year. The public is invited to comment on the amount of the national marketing quota and other factors set forth in this proposed rule.

DATE: Written comments must be received by October 24, 1980.

ADDRESS: Send comments to the Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, ASCS, Room 3754 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733. The draft impact analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Robert L. Tarczy, the above named individual.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12044 and has been classified "significant." In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988) it is

determined after review of these and related regulations contained in 7 CFR 725.2 for need, currency, clarity, and effectiveness that no additional changes be proposed at this time. Any comments which are offered during the public comment period on any of these regulations, however, will be evaluated in development of the final rule.

Jerome F. Sitter has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposed action because producers need to know as soon as possible the amount of the 1981 national marketing quota for flue-cured tobacco so that they can make plans for next year's crop.

The title and number of the Federal Assistance Program that this Proposed Rule applies to is: Title—Commodity Loan and Purchases; Number—10.051. This action will not have significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

The Agricultural Adjustment Act of 1938 (hereinafter referred to as the "Act"), as amended, requires the Secretary to determine and announce by December 1, 1980, the amount of the national marketing quota, the national average yield goal, and the national acreage allotment for the 1981–82 marketing year.

The Act (7 U.S.C. 1301) defines the "reserve supply level" as 5 percent greater than the "normal supply." The "normal supply" is defined as a normal year's domestic consumption and exports plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports. A "normal year's domestic consumption" is defined as the average quantity produced and consumed in the United States during ten marketing years immediately preceding the marketing year in which the quota must be announced, adjusted for current trends in such consumption.

A "normal year's exports" is defined as the average quantity produced in and exported from the United States during the ten marketing years immediately preceding the marketing year in which the quota must be announced, adjusted for current trends in such consumption.

The reserve supply level for the 1980–81 marketing year was determined to be 2,623 million pounds. This was based on a normal year's domestic consumption of 585 million pounds and a normal year's exports of 539 million pounds (44 FR 68804). The proposed reserve supply level for the 1981–82 marketing year is 2,605 million pounds, based on a normal year's domestic consumption of 580 million pounds and a normal year's exports of 537 million pounds.

The Act (7 U.S.C. 1301(b)) defines "total supply" as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1980–81 marketing year is 3,100 million pounds based on carryover of 1,965 million pounds and estimated production of 1,135 million pounds.

The Act (7 U.S.C. 1314c(a)) defines the "National Marketing Quota" for any kind of tobacco for a marketing year as the amount of that kind of tobacco produced in the United States which the Secretary estimates will be used domestically and exported during the marketing year, adjusted upward or downward in an amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The maximum downward adjustment is 15 percent of estimated domestic use and exports.

The amount of flue-cured tobacco produced and utilized domestically during the 1979–80 marketing year was 564 million pounds, and the amount exported was 520 million pounds, farm sales weight basis. The amount of the national marketing quota for the 1980–81 marketing year is 1,095 million pounds, based upon estimated domestic utilization of 555 million pounds and exports of 540 million pounds. For the 1981–82 marketing year utilization in the United States is estimated to be about 560 million pounds and exports are estimated to be about 500 million pounds. The total supply for the 1980–81 marketing year is 495 million pounds more than the proposed reserve supply level, but the amount of the adjustment desirable for maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level is still being considered. The Act defines the "National Average Yield Goal" for any kind of tobacco as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant. The national average yield goal for the 1965–66 and each subsequent marketing year was determined to be 1,854 pounds, and no change is proposed for the 1981–82 marketing year.

The Act defines the "National Acreage Allotment" as the acreage determined by dividing the national marketing quota by the national average yield goal. The national acreage allotment for the 1980–81 marketing year was determined to be 590,614.89 acres (44 FR 68804).

A national acreage factor for apportioning the national acreage allotment to old farms will be determined by dividing the national acreage allotment, less the reserve for new farms and old farms corrections and adjustments by the sum of the 1980 allotments for 1981 old farms prior to adjustments for overmarketings or undermarketings and reductions required for violations.

The national acreage factor for the 1980–81 marketing year was 1.0 (44 FR 68804).

A national yield factor will be obtained by dividing the national average yield goal by the national average yield. The national average yield is computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to adjustments for overmarketings, undermarketings, or reductions required for violations, adding the products, and dividing the sum of the products by the national acreage allotment. The national yield factor for the 1980–81 marketing year was .9307 (44 FR 68804).

The Act (7 U.S.C. 1314c(e)) provides that for each marketing year for which acreage-poundage quotas are in effect a reserve may be established from the national acreage allotment in an amount equivalent to not more than one percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which no tobacco was produced or considered produced during the immediately preceding five years. A reserve of 200 acres was established for the 1980–81 marketing year (44 FR 68804). A similar reserve is proposed for the 1981–82 marketing year.

The Act (7 U.S.C. 1314c(g)) provides that if the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N2 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the marketing quota for the farm on which

the tobacco was produced. This has never been authorized under the acreage-poundage program and is not proposed for the 1981–82 marketing year.

Proposed Rule

The subject and issues involved in the proposed determinations are:

(1) The amount of the reserve supply level.

(2) The amount of the national marketing quota for the 1981–82 marketing year.

(3) The amount of the national average yield goal.

(4) The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.

(5) Whether the Secretary should implement the provision relating to N2 or other grades of tobacco not eligible for price support.

The amount of the national acreage allotment, the national acreage factor and the national yield factor are not considered issues in these determinations because they result from mathematical computations based on the determinations outlined in issues (1) through (4) in the preceding paragraph.

The community average yields as computed in 1965 (30 FR 6207, 9875, 14487), will be used for the 1980–81 marketing year.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741-South Building, 14th and Independence Avenue, S.W., Washington, D.C.

Signed at Washington, D.C. on September 24, 1980.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-29952 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Revision of REA Bulletin 181-3; Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: This action concerns the revision of REA Bulletin 181–3 to include an additional accounting interpretation on the accounting for legal expenses. It is intended to clarify the circumstances under which legal expenses may be capitalized.

DATE: Public comments must be received by REA no later than: December 1, 1980.

ADDRESS: Persons interested in the proposed revision may submit written data, views, suggestions, or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4307, South Building, Washington, D.C. 20250, Telephone number (202) 447–7221.

SUPPLEMENTARY INFORMATION: Many borrowers have incurred substantial legal fees for a variety of legal services. A problem arose when borrowers began capitalizing the entire legal fee, or a portion thereof, when the fee did not pertain to construction activities. In order to remedy this situation, we are proposing an accounting interpretation which will outline the proper accounting treatment of fees which may be capitalized or deferred and those fees that require being expensed.

Proposed Interpretation

I. *General:* Borrowers may incur legal expenses which pertain to construction activities, loan activities, or general services.

II. *Questions and Answers:*

1. *Question:* What is the proper accounting treatment for legal expenses?

Answer:

a. Legal fees incurred in connection with a construction project, including the court costs directly related thereto, which can be identified and supported as such, shall be capitalized in Account 107, Construction Work-in-Progress as a cost of construction.

b. Legal fees specifically identified and properly supported as resulting from activities designed to obtain long-term debt shall be deferred in Account 181, Unamortized Debt Expense.

c. Legal fees for all other services and fees which cannot be properly identified and supported will require expensing to either Account 417.1, Expenses of Nonutility Operations or Account 923, Outside Services Employed, as appropriate.

2. *Question:* What type of identification and support is required in order to capitalize or defer legal fees?

Answer: The attorney should provide the borrowers with an itemization of his services performed and the corresponding costs. Only those costs specifically identified by the attorney as being related to construction or loan activities may be capitalized or deferred as described above.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations". A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4307, South Building, Washington, D.C. 20250.

Susan T. Shepherd,

Acting Administrator.

September 19, 1980.

[FR Doc. 80-30005 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3127]

Mobil Oil Corp.; Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 80–29284, appearing on page 63000 make the following corrections:

1. On page 63001, first column, the second line of paragraph "III" should have read: "required by paragraph I above is made in:"

2. On page 63001, the last word in the second line reading "representatives" should have read "representations".

BILLING CODE 1505-01-M

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16 CFR Part 13

[File No. 792 3215]

Farnam Cos., Inc., et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require a Phoenix, Ariz. firm and its corporate officer, engaged in the manufacture, advertising, sale and distribution of pesticide products, among other things, to cease representing, through print and broadcast advertising or otherwise, that

their pesticide products are absolutely or unqualifiedly safe, non-toxic or free of hazard to humans, pets, wildlife or the environment; or making any representation that is inconsistent or which detracts from the effectiveness of required warnings or directions for use set forth on pesticide product labels. The firm is further prohibited, for a period of three years, from disseminating advertising or promotional material which fails to include a warning statement as designated in the order.

DATE: Comments must be received on or before November 28, 1980.

ADDRESSES: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:
Paul C. Daw, Director, 6R, Denver Regional Office, Federal Trade Commission, Suite 2900, 1405 Curtis St., Denver, Colo. 80202, (303) 837-2271.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

[File No. 792 3215]

Agreement Containing Consent Order To Cease and Desist

In the Matter of Farnam Companies, Inc. a corporation, and Russell W. McCalley, individually and as an officer of said corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Farnam Companies, Inc., a corporation, and Russell W. McCalley, individually and as an officer of said corporation, and it now appearing that Farnam Companies, Inc., a corporation, and Russell W. McCalley, individually and as an officer of said corporation, [hereinafter sometimes referred to as proposed respondents] are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Farnam Companies, Inc., a corporation, by its duly authorized officer, and Russell W. McCalley, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Farnam Companies, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Arizona, with its office and principal place of business located at 2230 East Magnolia Street, Phoenix, Arizona 85036.

Proposed respondent Russell W. McCalley is an officer of said corporation. He directs and controls the acts and practices of the corporate respondent and his address is the same as that of said corporate respondent.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint correspoending in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect hereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

It is ordered that Farnam Companies, Inc., a corporation, its successors and assigns, and its officers, and Russell W. McCalley, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of pesticide products in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing directly or by implication, by print or broadcast advertising, other promotional material, or through sales representatives' oral statements, that the pesticide products manufactured, distributed or sold by or through said respondents are absolutely or unqualifiedly safe, non-toxic or free of hazard to adults, children, pets, wildlife or the environment.

2. Making any representation, directly or by implication, by print or broadcast advertising or other promotional

material, which contradicts, is inconsistent with, or detracts from the effectiveness of any warning, caution or direction for use required by law to be set forth as a label on pesticide products.

3. Representing that the Environmental Protection Agency or any other governmental agency has approved any pesticide product, unless such is the case; or misrepresenting the scope of approval granted any such product by any governmental agency.

It is further ordered, that for the period of 3 years following the date of service of this order, respondents shall not disseminate or cause the dissemination of:

(a) Any print advertising or print promotional material for any pesticide product unless the following statement is clearly and conspicuously included in such print advertising or print promotional material:

ALL PESTICIDES CAN BE HARMFUL TO HEALTH AND THE ENVIRONMENT IF MISUSED. READ THE LABEL CAREFULLY AND USE ONLY AS DIRECTED

(b) Anay television broadcast advertisement for any pesticide product unless such advertisement orally and visually includes the following statement made in a clear and conspicuous manner:

ALL PESTICIDES CAN BE HARMFUL. READ THE LABEL. USE AS DIRECTED

(c) Any other broadcast advertisement for any pesticide product unless such advertisement orally includes the following statement in a clear and conspicuous manner:

ALL PESTICIDES CAN BE HARMFUL. READ THE LABEL. USE AS DIRECTED

It is further ordered, that respondent, Farnam Companies, Inc., forthwith distribute a copy of this order to all its operating divisions engaged in the sale, advertising, promotion or distribution of pesticide products and to all present and future employees of said respondent responsible for the advertising, promotion, distribution or sale of such products, and that said respondents secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, that respondent Farnam Companies, Inc., notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, that the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten (10) years from the date of service of this order, said respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

It is further ordered, that each of the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which each has complied with this order.

It is further ordered, that this order shall become effective upon service.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Farnam Companies, Inc. of Phoenix, Arizona and its officer, Russell W. McCalley.

The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments from interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that the respondents disseminated advertisements through magazines, newspapers and television stations in an effort to induce the purchase of the pesticide product "Snail Jail." The advertisements allegedly claimed, either directly or by implication, that:

1. Snail Jail protects users, pets and children, is completely safe for children and is non-toxic;

2. Snail Jail's toxic ingredients are locked inside a plastic container and cannot come in contact with skin no matter how much it is handled; and

3. The Environmental Protection agency has approved Snail Jail as safe for users, children, pets and the general environment.

According to the complaint, these claims are not true.

The order in this matter requires the respondents to cease and desist from claiming through print, broadcast or other material that its pesticide products are absolutely or unqualifiedly safe, non-toxic or free of hazard to adults, children, pets, wildlife or the environment. Additionally, the respondents must not make any statements in advertisements concerning its pesticide products that are inconsistent with warning labels found on the pesticide products.

When disseminating print advertisements, the order requires that the respondents include the statement:

ALL PESTICIDES CAN BE HARMFUL TO HEALTH AND THE ENVIRONMENT IF MUSUSED. READ THE LABEL CAREFULLY AND USE ONLY AS DIRECTED

In broadcast advertisements the respondents must state:

ALL PESTICIDES CAN BE HARMFUL. READ THE LABEL. USE AS DIRECTED

The requirement that respondents place these disclosures in advertisements will expire in three (3) years. This provision will relieve respondents of the obligation to make the required affirmative disclosures endlessly. The time limitation should be adequate to make consumers aware of the true safety aspects of respondents' product. This will aid prospective consumers in making an informed purchasing decision.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-30208 Filed 9-29-80; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-17162; File No. S7-852]

Proposed Increase in Filing Fee for Associated Persons of Nonmember Broker-Dealers and Automation of SECO Examination

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing for comment an amendment to Form U-4, a personnel form filed by nonmember broker-dealers concerning their associated persons, to raise the level of the initial registration fee for associated persons of such broker-dealers from $35 to $50. It has been the Commission's experience that maintaining assessments and fees for nonmembers at rates or levels comparable to those imposed by the National Association of Securities Dealers, Inc. (the "NASD") upon its members has generated revenues which have reasonably approximated the costs to the Commission of administering the regulatory program for nonmember broker-dealers. The increase in the Form U-4 filing fee, therefore, will set the level of the initial registration fee for nonmember broker-dealers at the same level as the corresponding fee presently imposed by the NASD on its members. In addition, the Commission today announced the administration of the SECO General Securities Examination on an automated format. The NASD, which currently administers the SECO examination for the Commission, suggested conversion of the SECO examination to the automated system. The new examination format will begin October 31, 1980. The Commission believes that the conversion will provide substantial advantages over the traditional paper and pencil format.

DATE: Comments must be received by October 24, 1980.

ADDRESSES: All comments should refer to File No. S7-852 and be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of all written submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Frank Ramirez, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2839.

SUPPLEMENTARY INFORMATION: Section 15(b)(8) of the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 70*o*(b)(8)] requires that the Commission, by rule, establish and levy such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to registered broker-dealers who are not members of a registered national securities association ("nonmember broker-dealers" or "SECO broker-dealers") and their associated persons.[1] Pursuant to that Section, the Commission adopted Securities Exchange Act Rules 15b8-1 [17 CFR 240.15b8-1] and 15b9-1 [17 CFR 240.15b9-1] which require SECO broker-dealers to file Form U-4 [17 CFR 249.502], a personnel form concerning associated persons engaged in securities activities on behalf of the broker-dealer and to pay to the Commission the fee prescribed by the Form. Rule 15b8-1 also requires that every associated person engaged directly or indirectly in securities activities for or on behalf of a SECO broker-dealer, and every associated person who supervises others engaged in such activities, must successfully complete a general securities examination and pay a reasonable fee to defray the costs of its administration.

Section 15(b)(7) [15 U.S.C. 78*o*(b)(7)] specifically authorizes the Commission to cooperate with registered securities associations and national securities exchanges in devising and administering tests. In addition, that Section authorizes the Commission to require registered brokers or dealers and persons associated with such brokers or dealers to pass tests administered by or on behalf of any such association or exchange and to pay such association or exchange reasonable fees or charges to defray the costs incurred by such association or exchange in administering such test.[2]

This release invites comment on a proposed amendment to Form U-4 which would set the level of the initial registration fee imposed by the Commission upon associated persons of SECO broker-dealers at $50, the same level as the corresponding fee presently imposed by the NASD upon its members. This release also provides notice that, as of October 31, 1980, the SECO General Securities Examination (the "SECO examination") will be administered using an automated format.

Proposed Amendment to Form U-4

The initial registration fee imposed upon associated persons of SECO broker-dealers is intended to defray the Commission's cost of administering the SECO program. Since fiscal year 1976, the levels or rates of SECO fees and assessments have been the same as corresponding fees and assessments levied by the NASD on its members. It has been the Commission's experience that maintaining annual SECO assessments and specific SECO fees at rates or levels comparable to those imposed by the NASD has generated revenues which have reasonably approximated expenditures incident to the administration of the SECO program. The Commission, therefore, proposes to amend Form U-4 to set the level of the initial registration fee for associated persons of SECO broker-dealers at $50, the same level as the corresponding fee presently imposed by the NASD on its members.

The Commission has explained, in connection with determining annual assessments for SECO broker-dealers, that there are both legal and pragmatic justifications for setting SECO assessments at the same level as corresponding assessments imposed by the NASD on its members.[3] A similar rationale applies generally to specific fees.[4] The Commission, of course, recognizes the statutory mandate that SECO fees and assessments be reasonable and that they be used to defray the costs of administering the SECO program. To determine whether the rates of specific fees, which include Form U-4 filing fees, bear a reasonable correlation to the applicable costs incurred by the Commission in administering the SECO regulatory program, the Commission will review the level of such fees when it periodically collects and analyzes cost data on the SECO program. If such a cost analysis discloses a significant variance between the fees collected and the costs incurred in administering the relevant portion of the SECO program,

[1] A nonmember broker or dealer who is a member of a national securities exchange may, under limited circumstances, be exempt from this provision. *See* Securities Exchange Act Rules 15b9-1(e) and 15b9-2(e)(3) [17 CFR 240.15b9-1(e) and 17 CFR 240.15b9-2(e)(3)].

[2] Section 15(b)(7), formerly Section 15(b)(8), was redesignated by the Securities Exchange Act Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975).

[3] Securities Exchange Act Release No. 16080 (August 3, 1979), 44 FR 47953.

[4] *See* H. Rep. No. 1418, 88th Cong. 2nd Sess. 12 (1964); and *see, Statement of policy of the Director of the Division of Trading and Markets Regarding the Comparability of NASD and SECO Regulation* at 1, Securities and Exchange Act Release No. 9420 (December 20, 1971).

the Commission will invoke its authority under the Act to adjust the rates or levels of SECO fees.

The Commission, therefore, believes that an initial registration fee comparable to the corresponding NASD fee is reasonable in order to defray the costs of SECO regulation. Accordingly, the Commission proposes to set the SECO initial registration fee for associated persons of SECO broker-dealers at the same level as that imposed by the NASD on its members, which reflects an increase in the fee from $35.00 to $50.00.

Administration of SECO Examination on the PLATO System

1. Background

Section 15(b)(7) of the Act authorizes the Commission to "cooperate" with the NASD in devising and administering examinations. The Commission in 1965 announced that it had arranged with the NASD to have the NASD administer SECO examinations.[5] This arrangement provides that persons associated with SECO broker-dealers are charged examination fees comparable to those charged for persons associated with NASD members. The current fee is $40 per examination.[6]

The NASD, in a letter to the Commission dated April 3, 1980, suggested conversion of the SECO examination to an automated format, the PLATO system, for which service it will collect the present $40 testing fee without rebating to the Commission any portion of the fee.[7]

The Commission believes that there are significant advantages to be realized in converting the SECO examination to the PLATO system. In particular, the PLATO system provides a substantial improvement in the integrity of the examination process. It also facilitates the process of examination administration. Accordingly, beginning October 31, 1980, the SECO examination will be administered on the PLATO system.

2. System Description

PLATO is a time-sharing system capable of delivering a wide variety of programs to remote visual display terminals located in learning centers owned and operated by Control Data Corporation.[8] The system has been modified to serve as a medium for delivering the types of qualifications examinations utilized by the NASD and other securities industry self-regulatory organizations. The PLATO system enables the NASD to enter a bank of examination questions into the system and to program the computer to generate a unique examination of equivalent difficulty for each candidate.[9] A more detailed description of test administration on the PLATO system is outlined in the sections which follow.

a. *Enrollment.* After receiving a candidate's examination request form and appropriate fees, the NASD will enroll the candidate on the PLATO system. Enrollment must occur in order for a candidate to sit for an examination on the system. After a candidate has been enrolled on the system, a confirming notice will be sent to the sponsoring firm. This notice will identify the candidate, the qualification examination for which the candidate has been enrolled, and the expiration date of the enrollment. The expiration date will be 90 calendar days from the date the enrollment is entered into the system. If a candidate does not sit for the examination during this period, he may be re-enrolled in the system only upon receipt by the NASD of another testing fee and the appropriate request form.

b. *Appointment Scheduling.* Together with the enrollment confirmation notice sent to the firm, the NASD will include a schedule of CDC learning centers at which the examination can be taken. The candidate must call a learning center in order to make an appointment to sit for the examination. Unless otherwise requested by the candidate, appointments will be scheduled within five business days from the date the appointment request is received by Control Data. An appointment will not be made for a candidate who is not enrolled on the system or for a candidate requesting an appointment date which falls after the expiration date of his enrollment. The sponsoring firm will be charged a penalty fee of $10 in the event that a candidate does not appear for a scheduled appointment or cancels a scheduled appointment less than 72 hours prior to the appointed time and date. At the discretion of the learning center's administrator, a candidate may be precluded from sitting for an examination if the candidate arrives later than 15 minutes after the start of the examination. In such a case, a penalty fee of $10 also will be levied.

c. *Group Reservations.* Firms or training organizations that plan training classes may reserve a block of terminals at a learning center by calling the learning center at least one month in advance of the desired testing date. The same procedures outlined above with respect to late cancellations, no shows, and late arrivals for appointment sessions will be in effect for individuals scheduled in groups.

d. *Examination Presentation on the System.* After a candidate is seated at a terminal, the actual examination will be preceded by an introductory lesson designed to familiarize the candidate with the prodecures to be followed in answering and reviewing test questions. These procedures are simple and do not require any previous experience with a computer terminal or typing ability. All questions are answered by touching the appropriate location on the terminal screen itself. At the end of the examination or when a candidate voluntarily terminates a testing session, the computer will automatically score the examination and display the score on the terminal. Although a candidate must receive a score of only 70 percent to qualify as an associated person, the computer also will display a notification to candidates that they must receive a score of 80 percent to qualify as a supervisory person. On the first business day following the testing session, a hard copy grade notification will be forwarded by the NASD to the sponsoring firm and to the Commission.

On the basis of the foregoing, the Commission proposes to amend Part 249 of the Code of Federal Regulations to raise the level of the initial registration fee for associated persons of nonmember broker-dealers. The proposed amendment to the special instructions to Form U–4 would be

[5] Securities Exchange Act Release No. 7695 (September 7, 1965).

[6] On August 28, 1979, the Commission approved a new schedule of fees and assessments for NASD members (SR–NASD–79–7). It provides, in part, that the fee required of applicants to take the NASD principal or registered representative qualification examinations is $40, rather than the $30 fee previously charged. Since October 1, 1979, applicants to take the SECO examination also have been charged $40.

[7] The NASD presently rebates to the Commission $15 per examination, less an administrative fee for the program of $2500. This rebate scheme was devised to assure that SECO broker-dealers defray only the actual costs incurred by the NASD in administering the SECO examination program.

[8] The PLATO system is administered by Control Data Education Company, a "service" of Control Data Corporation ("CDC"). CDC learning centers are operating in the NASD cities where 90 percent of NASD examinations are conducted. There are currently seventy-two CDC learning centers which service fifty-six metropolitian areas in thirty-six states and the District of Columbia. Learning Centers are open from 8:30 a.m. to 5:30 p.m., Monday thru Friday. Some are open evenings and weekends.

[9] The PLATO system is capable of producing hard copy examinations for use in paper and pencil examinations when unusual circumstances do not allow the use of terminal facilities by the candidate. Such paper and pencil examinations will be given when candidates are unable to use the PLATO system because of physical disabilities or religious beliefs, and when a test is given in a city where no learning center is located.

adopted pursuant to the Commission's authority in Sections 15(b)(8) and 23a [15 U.S.C. 78o(b)(8), 78w(a)] of the Securities Exchange Act of 1934. The proposed amendment to the instructions reads as follows:

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§ 249.502 Form U-4, personnel form, to be filed by registered brokers or dealers not members of a registered national securities association, for associated persons of such brokers and dealers.

* * * * *

Special Instructions for Completing Form U-4, Uniform Application for Securities and Commodities Industry Representative and/or Agent.

* * * * *

2. A filing fee of $50.00 must accompany this form. A check should be made payable to the Securities and Exchange Commission and mailed along with one (1) copy of this Form to the Office of the Comptroller.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

September 24, 1980.

[FR Doc. 80-30217 Filed 9-29-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM80-42]

Tax Normalization for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes; Extension of Comment Period

September 19, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of extension of time for comments.

SUMMARY: On March 31, 1980, the Commission issued a Notice of Proposed Rulemaking involving Tax Normalization for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes (45 FR 22053, April 3, 1980). The Commission's notice prescribed a comment period ending June 30, 1980. On August 14, 1980, the Commission issued a Notice of Opportunity for Reply Comments in this proceeding (45 FR 55761, August 21, 1980). The Commission's notice prescribed that reply comments should be filed on or before September 26, 1980. The period for filing reply comments is hereby extended to and including October 10, 1980.

DATE: Reply comments are now due October 10, 1980.

FOR FURTHER INFORMATION CONTACT: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8400.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30224 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

Proposed Amendment to Customs Regulations Relating to Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act; Extension of Time for Public Comment

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments with respect to a proposal to amend § 12.73, Customs Regulations (19 CFR 12.73), relating to the importation of motor vehicles and motor vehicle engines under the Clean Air Act, as amended (42 U.S.C. 7521). A document inviting the public to comment on this proposal was published in the Federal Register on July 21, 1980 (45 FR 48817). Comments were to have been received on or before September 19, 1980. However, in a document published in the Federal Register on September 22, 1980 (45 FR 62851), the Environmental Protection Agency announced the scheduling of a public hearing on, and an extension of time in which to submit comments concerning a proposal to amend their regulations in 40 CFR Part 85, Subpart P. Inasmuch as any changes in EPA regulations may necessitate like changes in the Customs Regulations, this extension, which corresponds to that granted by EPA, will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before December 3, 1980.

ADDRESS: Comments, preferably in triplicate, should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Harrison C. Feese, Entry, Examination and Liquidation Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8651).

Dated: September 25, 1980.

Alfred G. Scholle,

Director, Office of Regulations and Rulings.

[FR Doc. 80-30204 Filed 9-29-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 607

[Docket No. 79N-0396]

Establishment Registration and Product Listing for Manufacturers of Human Blood and Blood Products; Exemption of Certain Transfusion Services and Clinical Laboratories From Registration

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the biologics regulations to exempt those transfusion services and clinical laboratories approved for Medicare/Medicaid reimbursement from FDA's registration and produce listing requirements. This proposal implements a memorandum of Understanding with the Public Health Services (PHS), FDA, and the Health Care Financial Administration (HCFA) in which FDA has agreed to withdraw from the routine inspection of such facilities to avoid unnecessary regulatory duplication.

DATE: Comments by October 30, 1980.

ADDRESSES: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Steven F. Falter, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA is proposing to amend § 607.65 (21 CFR 607.65) of the biologics regulations to exempt transfusion services and clinical laboratories approved for Medicare/Medicaid reimbursement from FDA's

registration and product listing requirements. A transfusion service is a facility or portion of a facility engaged in the compatibility testing and transfusion of blood and blood components, but which neither routinely collects nor processes blood and blood components. The affected clinical laboratories are currently subject to registration under Part 607 (21 CFR Part 607) in that they perform test in support of the preparation of blood products by other establishments.

Section 510 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360), as implemented by Part 607 of the biologics regulations, requires that establishments manufacturing human blood and blood products register annually with the Bureau of Biologics, FDA. "Manufacturing" includes the collection, preparation, processing or testing of blood or blood products (21 CFR 607.3(d)). At the time of registration, an establishment must also submit a list of every blood product manufactured by the facility and in commercial distribution. These establishments are then subject to biennial inspection by FDA to ensure that the blood products manufactured by the registrants are in compliance with FDA's technical and scientific standards. Under section 510(g)(4) of the act, however, classes of persons may be exempted by regulation from the registration requirements, including those specifically for blood establishments (21 CFR 607 et seq.), if such registration " * * * is not necessary for the protection of the public health."

In addition to FDA's biennial inspection, clinical laboratories and hospitals, including transfusion services, have been routinely surveyed (inspected) by HCFA, state agencies, or approved accreditation bodies to ensure compliance with the applicable provisions of HCFA's regulations (42 CFR Chapter IV). Many of the applicable regulations, including those concerning recordkeeping requirements, quality control procedures, and personnel standards, are comparable to standards codified under FDA's regulations (21 CFR Part 606).

In early October 1979, a Memorandum of Understanding (MOU) was concluded between PHS/FDA and HCFA. The MOU was approved by the Secretary on January 21, 1980. HCFA agreed to assume sole responsibility for the routine inspection (survey) of certain transfusion services and clinical laboratories certified for Medicare/Medicaid reimbursement. HCFA also agreed to assume responsibility for any other routine compliance activities that are necessary to ensure that these facilities are in compliance with FDA's technical and scientific standards. The Memorandum of Understanding was announced in the **Federal Register** of March 25, 1980 (45 FR 19316).

To implement this MOU, HCFA and FDA agreed that HCFA would, as soon as possible, assume the primary responsibility for the inspection of the affected transfusion services and clinical laboratories. This decision was based upon the extensive experience of HCFA's delegates in surveying these same facilities for public health concerns similar to FDA's and on the recent high rate of compliance with FDA's standards by these facilities. Only 2 percent of these facilities required any voluntary corrective action when inspected by FDA and less than 1 percent required any official action (regulatory letter) by FDA. Accordingly, in October and November of 1979, training sessions were conducted jointly by FDA and HCFA at which the personnel responsible for conducting HCFA inspections were informed of the FDA standards not already incorporated in HCFA's regulations and were instructed as to the appropriate means for determining compliance with these standards. Since that time HCFA's inspectors have been surveying these facilities to ensure compliance with both HCFA's and FDA's standards. At that time FDA began the process of identifying those facilities eligible for deregistration and began to end the duplicative inspections deemed unnecessary. If a significant violation of FDA's standards is found, FDA will be notified and may participate in any follow-up investigation or regulatory action. As stated in the MOU, FDA retains its authority for the enforcement of the act, and, in emergency situations, will exercise this authority for the protection of the public health.

To complete the implementation of the MOU, HCFA will amend their regulations to adopt the appropriate FDA standards applicable to blood and blood components in 21 CFR Part 606. However, FDA has concluded that it is not necessary for HCFA to adopt these regulations before FDA exempts these facilities from registration. Based upon these facilities' good compliance history, HCFA's experience in surveying the facilities to ensure compliance with standards similar to FDA's, and the successful transfer of all routine inspection responsibilities to HCFA, FDA has concluded that the public health is adequately protected and the registration of these facilities is no longer necessary. To require continued registration and duplicative inspection during this transition period would defeat the purpose of the MOU by delaying the relief of these firms from an unnecessary regulatory burden. Therefore, under section 510(g)(4) of the act, FDA is proposing to amend § 607.65 to exempt those facilities defined in the MOU as transfusion services and clinical laboratories from registration and product listing.

This exemption would not apply to blood establishments routinely collecting or processing blood and blood products. "Routine collection and processing" includes the collection of blood for autologous reinfusion and the routine preparation of any blood component, including red blood cells. Exempted facilities may collect or process blood for emergency purposes, provided the person requesting the emergency action documents in writing the circumstances justifying the action. The drawing of blood or plasma for therapeutic reasons would also be permitted in exempted facilities, provided the blood is not further processed or commercially distributed. To ensure the maximum efficiency in the use of the nation's blood supply, exempted facilities may derive recovered human plasma for further manufacturing use from units of blood or blood products. Under § 606.170(b) (21 CFR 606.170(b)), exempted facilities would remain responsible for promptly reporting any fatal transfusion reaction to the Director, Bureau of Biologics, FDA.

To aid in the implementation of the PHS/FDA–HCFA agreement, Form FDA–2830 (Blood Establishment Registration and Product Listing) has been revised to determine each respondent's eligibility for exemption. When registering for calendar year 1980, all currently registered blood establishments were requested to complete the initial eligibility questions contained in the revised form.

To allow efficient implementation of the 1981 establishment registration process, the Commissioner has found that there is good cause to shorten to 30 days the usual 60-day comment period for proposed rules. Depending on the comments received, FDA intends to publish these proposed rules as final prior to establishment registration for calendar year 1981, taking place in November, 1980. Upon publication of the final rule, those facilities meeting eligibility requirements will be exempt from registration with FDA.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979, 44 FR 71742) that this

proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 52 Stat. 1040–1042 as amended 1055–1056 as amended, 76 Stat. 794–795 as amended (21 U.S.C. 321, 360, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 607 be amended in § 607.65 by adding new paragraphs (f) and (g), to read as follows:

§ 607.65 Exemptions for blood product establishments.

* * * * *

(f) Transfusion services approved for Medicare/Medicaid reimbursement and engaged in the compatability testing and transfusion of blood and blood components, but which neither routinely collect nor process blood and blood components. The collection and processing of blood and blood components in an emergency situation as determined by a responsibile person and documented in writing, the therapeutic collection of blood or plasma, and the preparation of recovering human plasma for further manufacturing use are not acts requiring such transfusion services to register.

(g) Clinical laboratories that are approved for Medicare/Medicaid reimbursement and are engaged in the testing of blood products in support of other registered blood establishments.

Interested persons may, on or before October 30, 1980 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, as amended by Executive Order 12221, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: September 22, 1980.

Jere E. Goyan,

Commission of Food and Drugs.

[FR Doc. 80-30043 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 20 and 25

[LR-213-76]

Qualified Disclaimers; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the disclaimer of property conferred by gift or inheritance.

DATES: The public hearing will be held on November 18, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by November 4, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–213–76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the Estate Tax Regulations under sections 2041, 2045, 2055 and 2056 of the Internal Revenue Code of 1954 and the Gift Tax Regulations under Code sections 2511, 2514 and 2518. The proposed regulations appeared in the **Federal Register** for Tuesday, July 22, 1980 (45 FR 48922).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by November 4, 1980. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving Government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-30233 Filed 9-29-80; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 51

[LR-152-80]

Base Prices of Tier 2 and Tier 3 Oil

AGENCY: Internal Revenue Service.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary excise tax regulations relating to base prices of tier 2 and tier 3 oil for purposes of the windfall profit tax on oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The temporary regulations also amend the rules relating to withholding of the windfall profit tax in the absence of current data on an effective operator's certificate. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by December 1, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–152–80), 1111 Constitution Avenue, N.W. Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Eileen Murphy of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington DC 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION:

Cross Reference

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amends 26 CFR Part 150. The final regulations which are proposed to be based on the temporary regulations would amend 26 CFR Part 51.

For the text of the temporary regulations, see FR Doc. 30157 (T.D. 7721) published in the Rules and Regulations portion of this issue of the **Federal Register.**

Regulatory Analysis

A draft regulatory analysis has been prepared with respect to these proposed regulations and is available for public inspection and copying at the Internal Revenue Service, Room 4219, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Comments and Public Hearing

Before the adoption of these proposed regulations (the text of which is the same as the temporary regulations), consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations was Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-30156 Filed 9-29-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 884 and 946

Abandoned Mine Lands Reclamation Program

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

ACTION: Notice of intent and proposed rule: Receipt of the abandoned mine lands reclamation plan submission from the Commonwealth of Virginia.

SUMMARY: On September 22, 1980, the Commonwealth of Virginia submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State plan.

DATES: Written comments on the plan must be received on or before 9:00 p.m., October 29, 1980. A public hearing will be held on October 29, 1980 from 10:00 a.m. to 12:00 noon and 7:00 p.m. to 9:00 p.m. or until all discussions have been completed. Written comments on whether OSM should hold a public hearing on the plan must be received by 5:00 p.m., October 6, 1980. A public hearing will be held on October 29, 1980 from 10:00 a.m. to 12:00 noon and 7:00 p.m. to 9:00 p.m. or until all discussions have been completed. The hearing may be cancelled, as discussed under Supplementary Information, below.

ADDRESS: The public hearing, if held will be at the Conference Room, Department of Conservation and Economic Development, Powell and River Streets, Big Stone Gap, Virginia. The hearing may be cancelled, as discussed under Supplementary Information, below. Copies of the full text of the proposed Virginia plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region I, 1st Floor, Thomas Hill Building, 950 Kanawha Blvd., East, Charleston, West Virginia 25301.

Department of Conservation and Economic Development, Powell and River Streets, Big Stone Gap, Virginia 23219.

Written comments should be sent to:

Patrick B. Boggs, Regional Director, Office of Surface Mining, 1st Floor, Thomas Hill Building, 950 Kanawha Blvd., East, Charleston, West Virginia 25301.

The Administrative Record will be available for public review at the OSM Region I office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Earl R. Cunningham, Assistant Regional Director, AML, Office of Surface Mining, 1st Floor, Thomas Hill Building, 950 Kanawha Blvd., East, Charleston, West Virginia 25301, Telephone (304) 343–7649.

SUPPLEMENTARY INFORMATION: On September 22, 1980, OSM received a proposed abandoned mine reclamation plan from the Commonwealth of Virginia. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter 7, Subchapter R) as published in the **Federal Register** (FR) on October 25, 1978, 44 FR 49932–49952.

This notice describes the nature of the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR §§ 884.13 and 884.14 (44 FR 49948). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (44 FR 149932–49940).

The receipt of the Virginia Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Virginia.

By submitting a proposed plan, Virginia has indicated that it wishes to be primarily responsible for this program. If the submission as hereafter modified, is approved by the Director of OSM, the Commonwealth will have primary responsibility for the reclamation of abandoned mine lands in Virginia. If the program is disapproved and the Commonwealth does not choose to revise the plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

All written comments must be mailed or hand carried to the Regional Director's Office above or may be hand carried to the public hearing, if a public hearing is found to be necessary and submitted as exhibits to the proceedings.

If the Regional Director finds that the State has given the public adequate notice and opportunity to comment in public hearings, and that the record of such hearing does not reflect major unresolved controversies and there are not a significant number of requests during the 15-day period to comment on the need for a hearing, the hearing will be cancelled by a notice published in the Federal Register cancelling the scheduled hearing.

Written comments on the issue of waiver of the public hearing must be received by 5:00 p.m., October 6, 1980.

The comment period will close at the conclusion of the public hearing, if any, or at 9:00 p.m. on October 27, 1980, whichever is later. Comments received after that time will not be considered. Representatives of the Regional Director's Office will be available to meet between 1:00 p.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation program.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with Richard Leonard, Public Information Officer, telephone 304/342–8125 at the Regional Director's Office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m. Monday through Friday excluding holidays at the Regional Director's Office.

The Department intends to continue to discuss the Commonwealth's plan with representatives of the Commonwealth throughout the review process. All contacts between Departmental personnel and representatives of the Commonwealth will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed program. The approval of State AML reclamation plans does not have significant environmental impact, but is only a procedural change in terms of the governmental entity that will be performing the work.

The Director has determined that this is not a significant rule within the meaning of 43 CFR Part 14 and no regulatory analysis is being prepared on the Director's decision relating to the Virginia AML plan.

The Virginia AML Reclamation Plan can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the plan.

4. The plan meets all the requirements of the OSM, AML Reclamation Program Provisions.

5. The State has an approved Regulatory Program, and

6. It is determined that the plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the Virginia State Reclamation Plan submission:

The Department of Conservation and Economic Development, Division of Mined Land Development had been designated by the Governor of the Commonwealth of Virginia to implement and enforce the Abandoned Mined Lands Program in accordance with SMCRA (Pub. L. 95–87). The Department of Conservation has developed State regulations to carry out State mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the program.

(b) State's Chief Legal Officers opinion of designated Agency to operate the program.

(c) Description of the policies and procedures to be followed in conducting the program including:

(1) Goals and objectives

(2) Project ranking and selection procedures

(3) Coordination with other reclamation programs

(4) Land acquisition, management and disposal

(5) Reclamation on private land

(6) Rights of Entry

(7) Public participation in the program

(d) Description of the Administrative and Management structure to be used in the program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program.

(2) Personnel staffing policies.

(3) Purchasing and procurement systems and policies.

(4) Description of the accounting system including specific procedures for operation of the reclamation fund.

(e) Description of the public's participation in preparation of the plan.

(f) A general description of activities to be conducted under the reclamation plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map.

(2) General description of the problems identified and how the plan proposes to deal with them.

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses.

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the plan.

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base.

(ii) Sociologic and demographic characteristics.

(iii) Significant esthetic, historic or cultural, and recreational values.

(iv) Hydrology including water quality and quantity problems associated with past mining.

(v) Flora and fauna including endangered or threatened species and their habitat.

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction.

(vii) Anticipated benefits from reclamation.

Dated: September 24, 1980.

Walter N. Heine,

Director.

[FR Doc. 80–30203 Filed 9–29–80; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 918

Public Disclosure of Comments Received From Federal Agencies on the Louisiana 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: Public Disclosure of Comments on the Louisiana Program Resubmission.

SUMMARY: Before the Secretary of the Interior may approve permanent State regulatory programs submitted under Section 503(a) or resubmitted under Section 503(c) 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 from these agencies and is today announcing their public disclosure with regard to the Louisiana State Permanent Program.

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 Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–3920

Office of Surface Mining Reclamation and Enforcement, Room 153, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240

Office of Conservation, 625 W. 4th Street, Baton Rouge, Louisiana 70804, Telephone: (504) 342–5510

FOR FURTHER INFORMATION CONTACT: Richard D. Rieke, Assistant Regional Director, State and Federal Programs, Office of Surface Mining, Room 426, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106 Telephone: (816) 374–3920.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior approved in part and disapproved in part the initial Louisiana program submission on September 4, 1980. Comments on the initial submission were solicited from the Federal agencies listed below and the disclosure of their comments appeared in the **Federal Register** on June 23, 1980 (45 FR 41981).

In the **Federal Register** notice announcing the Secretary's initial decision, the Secretary also announced that Louisiana had resubmitted its program and made the resubmission available for public review and comment. *See* 45 FR 58576–58594, September 4, 1980. The Secretary is now considering the resubmitted Louisiana program for approval in accordance with Section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1). The resubmitted Louisiana 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 this resubmitted Louisiana program:

Department of Agriculture: USDA State Land Uses Committee, Soil Conservation Service, Forest Service.
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, Fish and Wildlife Service, National Park Service, and U.S. Geological Survey.
Arkansas White Red River Basin Inter-Agency Committee.
U.S. Army Corps of Engineers.

Of those agencies invited to comment, OSM received comments from the Department of the Interior, Heritage Conservation and Recreation Service.

These comments are available for review and copying during business hours at the locations listed above under "Addresses."

Dated: September 25, 1980.

Carl C. Close,

Assistant Director for State and Federal Programs, Office of Surface Mining.

[FR Doc. 80-30218 Filed 9-29-80; 8:45 am]

BILLING CODE 4450-85-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-170; RM-3525]

Authorizing the Communications Satellite Corporation To Provide International Satellite Communications Services Directly to the Public; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time to file reply comments.

SUMMARY: On April 22, 1980, the Commission adopted a Notice of Proposed Rulemaking (NPRM) which addresses Comsat's authority to deal directly with the public as a retail carrier. (45 FR 33662, 56115; May 20, August 22, 1980) The NPRM also seeks comments as to which entities may be permitted to deal directly with Comsat in its wholesale capacity. Under the proposed policy revisions, Comsat, through a separate subsidiary, would no longer be limited to serving only as a wholesaler of international satellite services. The Commission tentatively concludes that by authorizing Comsat to enter the retail market, along with permitting separate rates for cable and satellite services, the competition which results will encourage the realization of economies made possible by satellite terminology.

DATE: Reply comments must be received on or before October 7, 1980.

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

FOR FURTHER INFORMATION CONTACT: Gene P. Belardi, International Facilities, Authorization and Licensing Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632–7265.

Adopted: September 18, 1980.

Released: September 19, 1980.

By the Common Carrier Bureau:

1. Western Union International, Inc. (WUI), has filed a request for an extension) of time from September 23, 1980, until October 7, 1980, to file reply comments in the *Notice of Proposed Rulemaking in CC Docket No. 80–170,* FCC 80–129, released May 6, 1980, wherein the Commission is proposing to permit the Communications Satellite Corporation (Comsat) to provide international satellite communications services directly to the public. In support of its request, WUI asserts that a two-week extension is warranted because the 500 pages of comments filed by sixteen parties raise numerous and complex questions which cannot be adequately addressed in the allotted time. Also, WUI contends that the public would not be adversely affected by the fourteen-day extension.

2. Due to the numerous and complex issues raised in this proceeding and the benefits to the public and the Commission in having full reply comments submitted, we believe a two-week extension of time is reasonable. In addition, we agree that the public interest will not be harmed by this extension. Thus, we will grant the extension as requested, and the extension will apply to all interested parties.

3. Accordingly, it is ordered, pursuant to authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 C.F.R. Section 0.291 (1979), that the request by Western Union International, Inc., for an extension of time to file reply comments in CC Docket No. 80–170 is granted, and that interested parties shall file reply comments in this proceeding on or before October 7, 1980.

Federal Communications Commission.

William F. Adler,

International Facilities, Authorization and Licensing Division, Common Carrier Bureau.

[FR Doc. 80-30305 Filed 9-29-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Withdrawal of an Expired Proposal for Listing of the Callippe Silverspot Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of withdrawal of an expired proposed rule.

SUMMARY: As amended November 10, 1978, the Endangered Species Act mandates withdrawal of proposed rules to list species which have not been made final within two years of the proposal. The amended Act also authorized a one-year suspension of all withdrawals, until November 10, 1979. The time limit has expired for the Callippee silverspot butterfly (*Speyeria callippe callippe*), which was originally proposed for listing as Endangered with Critical Habitat on July 3, 1978 (43 FR 28938–45). The Critical Habitat portion of this proposal was withdrawn on March 6, 1979 (44 FR 12382–384), in order to be supplemented to comply with the 1978 Endangered Species Act Amendments. Critical Habitat for the Callippe silverspot butterfly was reproposed on March 28, 1980 (45 FR 20503–05). A final rule was not completed for this species within the two-year limit. This notice constitutes the withdrawal of the Callippe silverspot butterfly listing proposal.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240, 703/325–2771.

SUPPLEMENTARY INFORMATION:

Background

Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

> A final regulation adding a species to any list published pursuant to subsection (c) shall be published in the **Federal Register** not later than two years after the date of publication of the notice of the regulation proposing listing under paragraph (B)(i)(I). If a final regulation is not adopted within such two year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the **Federal Register** not later than 30 days after end of such period. The Secretary shall not propose a regulation adding to such a list any species for which a proposed regulation has been withdrawn under this paragraph unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation for the listing of any species published before the date of the Endangered Species Act Amendments of 1978 shall be withdrawn under this paragraph before the end of the one-year period beginning on such date of enactment.

The two-year time limit on proposal and one-year period on suspension of withdrawals which were established in this subsection have expired for the Callippe silverspot butterfly which was proposed July 3, 1978 (43 FR 28938–45).

The Callippe silverspot butterfly is known only from San Bruno Mountain, San Mateo County, California. The main threat to this butterfly is potential housing development in the grassland areas of San Bruno Mountain. Essentially the same areas are inhabited by the Mission blue butterfly (*Icaricia icarioides missionensis*), a species listed as Endangered on the Federal list on June 1, 1976 (41 FR 22041–44). Due to the existing protection afforded by the Endangered Species Act to the Mission blue butterfly and its habitat, the listing of the Callippe silverspot butterfly received a lower listing priority than several other insect species for which final rulemakings were being completed concurrently.

The County of San Mateo is presently conducting extensive studies on the Callippe silverspot butterfly, as well as other potentially Endangered species on San Bruno Mountain. The County has contracted with Thomas Reid Associates of Palo Alto, California, to perform studies to determine potential effects of development in the San Bruno Mountains, and to formulate a conservation plan for several rare or Endangered species in the area. The Service will consider the information provided by these studies, as well as other available information, in deciding whether to repropose the Callippe silverspot for Federal listing as Threatened or Endangered.

In accord with section 4(f)(5), the Callippe silverspot butterfly was withdrawn on July 3, 1980. This action gives notice of the withdrawal of this species which occurs in the State of California.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543).

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

Dated: September 24, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80–30206 Filed 9–29–80; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 45, No. 191
Tuesday, September 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.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meat Import Limitations; Fourth Quarterly Estimate

Public Law 88–482, approved August 22, 1964 as amended by the Meat Import Act of 1979, (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated quantity of meat articles prescribed by Section 2(c) of the Act.

In accordance with the requirements of the Act, the following fourth quarterly estimates for 1980 are published.

1. The estimated aggregate quantity of meat articles prescribed by Section 2(c) of the Act during the calendar year 1980 is 1,516 million pounds.

2. The estimated aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1980 is 1,420 million pounds.

Since the estimated quantity of imports is less than 110 percent of the estimated quantity prescribed by Section 2(c) of the Act, no limitations for the calendar year 1980 on the importation of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61 and 107.62), are required under the Act.

Done at Washington, D.C. this 25th day of September 1980.

Bob Bergland,

Secretary.

[FR Doc. 80-30248 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-10-M

Section 22 Import Fees; Determination of Quarterly Import Fees on Sugar

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the fourth calendar quarter of 1980.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202–447–6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the fourth calendar quarter of 1980 has been calculated to be 33.049 cents per pound. This results in a fee of 0.00 cents per pound for item 956.15, since the sum of the 33.049 cents average spot price + 0.625 cents duty + .90 cents attributed costs is greater than 15.0 cents. Accordingly, the fee for items 956.05 and 957.15 for the fourth calendar quarter of 1980 is 0.52 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the fourth calendar quarter of 1980 shall be as follows:

Item	Fee (cents per lb.)
956.05	0.52
956.15	0.00
956.15	0.52

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C. on September 25, 1980.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 30247 Filed 9-29-80; 8:45 am]

BILLING CODE 3410-10-M

CIVIL AERONAUTICS BOARD

[Docket 20244]

Aloha Airlines, Inc.; Subsidy Mail Rates; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding assigned to be held on October 6, 1980 at 10:00 a.m. (45 FR 61005, September 15, 1980) is postponed until October 7, 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., September 25, 1980.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 80-30229 Filed 9-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-9-151; Docket 38488]

Application of People Express for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-9-151 (Application of People Express under Subpart Q for a certificate of public convenience and necessity for 27 New York/Newark markets) Docket 38488.

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to People Express, subject to a favorable determination of its fitness, to authorize it to provide service in 27 New York/Newark markets listed in its application. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below no later than October 27, 1980, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 38488, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Ava Kleinman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5345.

SUPPLEMENTARY INFORMATION: Objections should be served upon the persons listed in ordering paragraph 6 of Order 80-9-151.

The complete text of Order 80-9-151 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W. Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 80-9-151 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 24, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-30232 Filed 9-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38740; Order 80-9-130]

Boston-Miami/Fort Lauderdale Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (80-9-130).

SUMMARY: The Board is proposing to award nonstop air route authority between Boston, on the one hand, and Miami and Ft. Lauderdale, on the other hand, to Trans World Airlines, USAir, Ozark Air Lines, and any other fit, willing and able applicant whose fitness, willingness and ability can be established by officially noticeable data, under show-cause procedures.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by October 30, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38740, which we have entitled the *Boston-Miami/Ft. Lauderdale Show-Cause Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Trans World Airlines; Ozark Air Lines; USAir; Mayor of Boston; Mayor of Miami; Mayor of Ft. Lauderdale; Manager, Logan International Airport; Manager, Miami International Airport; Manager, Ft. Lauderdale-Hollywood International Airport; Florida Public Service Commission; Florida Department of Transportation, Aviation Bureau; Massachusetts Port Authority; and Massachusetts Aeronautics Commission.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-9-130 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-9-130 to that address.

By the Bureau of Domestic Aviation: September 23, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-30230 Filed 9-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38733]

Continental—Western Merger Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 10, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Consumer Protection will circulate its material on or before September 30, 1980, and the other parties on or before October 7, 1980. (The later dates are dates for actual delivery of materials and not mailing dates). The submissions

of the other parties shall be limited to points on which they differ with the Bureau of Consumer Protection, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 24, 1980.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 80-30227 Filed 9-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 38733]

Continental-Western Merger Case; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 24, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-30228 Filed 9-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-9-153, Docket 38011]

Order Tentatively Proposing a Final Temporary Subsidy Mail Rate for Alaska Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 80-9-153 proposing a temporary subsidy mail rate for Alaska Airlines, Inc., effective April 9, 1980.

SUMMARY: The Board adopted an order directing Alaska Airlines, Inc., to show cause why a net temporary subsidy mail rate of $2.3 million should not be established effective April 9, 1980. The rate is applicable to operations involving the Alaskan points of Cordova, Yakutat, Wrangell, Petersburg, and Gustavus.

DATES: Parties must file notices of objection within ten days of the date of service and must file objections within thirty days of the date of service.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Bureau of Domestic Aviation. Civil Aeronautics Board, 1825 Conecticut Avenue, N.W. Washington, D.C. 20428

The complete text of Order 80-9-153 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W. Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 80-9-153 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 24, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-30231 Filed 9-29-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 94-463), as amended, notice is hereby given that the Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census will convene on October 30, 1980, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in June 1976 to advise the Director, Bureau of the Census, during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, developing definitions and terminology for improved identification and classification of the Asian and Pacific Americans population, suggesting areas of research, recommending subject content and tabulations of particular use to the Asian and Pacific Americans population, and expanding the dissemination of census results among present and potential users of census data in the Asian and Pacific Americans community.

The Committee is composed of 21 members appointed by the Secretary of Commerce, and constitutes a broad spectrum of community leaders, scholars, and other appropriate persons.

The agenda for the meeting, which is scheduled to adjourn at 4:30 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census; (2) issues relating to the adjustment of the census undercount; (3) Committee discussion; and (4) Affirmative Action Program.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Clifton S. Jordan, Acting Deputy Chief, Decennial Census Division, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233.) Telephone: (301) 763-5169.

Dated: September 25, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-30226 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-07-M

Census Advisory Committee on the Spanish Origin Population for the 1980 Census; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that the Census Advisory Committee on the Spanish Origin Population for the 1980 Census will convene on October 27, 1980, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Committee is composed of 21 members appointed by the Secretary of Commerce. It was established in February 1975 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, developing definitions for classification of the Spanish original population, recommending subject content and tabulations of especial use to the Spanish origin population, and expanding the dissemination of census results among present and potential users of census data in the Spanish origin population.

The agenda for the meeting, which is scheduled to adjourn at 4:30 p.m., is: 1) Introductory remarks by the Director of the Census Bureau, 2) issues relating to the adjustment of the census undercount, 3) Committee discussion, and 4) Affirmative Action Program.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Clifton S. Jordan, Acting Deputy Chief, Decennial Census Division, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. Mailing address: Washington, D.C. 20233, Telephone (301) 763-5169.

Dated: September 25, 1980.

Vicent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-30225 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Unrefined Montan Wax From the German Democratic Republic; Initiation of Antidumping Investigation

AGENCY: Department of Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice advises the public that on the basis of a petition filed in proper form, the Department of Commerce is initiating an antidumping investigation to determine whether unrefined montan wax from the German Democratic Republic is being, or it likely to be, sold at less than fair value. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are either less than the prices of such or similar merchandise sold for consumption in the manufacturer's or exporter's home market or to countries other than the United States, or less than the constructed value. Prices of such or similar merchandise sold at less than fair value from state-controlled economy countries are determined with reference to prices and costs of similar merchandise from non state-controlled economy countries. The Department of Commerce is notifying the International Trade Commission of this action so that, in accordance with the Tariff Act of 1930, as amended, the Commission may determine whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Frank Crowe, Import Administration Specialist (202-377-3003), or Charles Wilson, Supervisory Import Administration Specialist (202-377-5288), Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION: On September 5, 1980, the Department of Commerce ("Department") received a petition that complies with the requirments of sections 353.36 and 353.37 of the Department Regulations (19 CFR 353.36 and 353.37). Filed by John J. Hounslow, President of the American Lignite Products Company, Ione, California, the petition alleges that unrefined montan wax from the German Democratic Republic ("GDR") is being, or is likely to be, sold at leass than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) ("the Act"), and that the U.S. industry is likely to be materially injured.

Unrefined montan wax is classified under item number 494.20 of the Tariff Schedules of the United States. "Unrefined montan wax" is a non-oxidized mineral wax extracted from lignite, not advanced beyond extraction or cleaning by solvent. The product is used primarily as a flow agent in one-time carbon ink formulae.

The petition includes sufficient evidence supporting both the allegations of material injury and of sales at less than fair value. For comparison purposes, the petitioner uses the f.o.b. German port price as the United States purchase price, and, in accordance with section 353.8(b)(3) of the Department Regulations (19 CFR 353.8(b)(3)), Ione, California price as the foreign market value. According to the petitioner, unrefined montan wax is produced only in the German Democratic Republic and in the United States.

The petition indicates increased volume of imports and demonstrates actual decline in production, sales and profits. It also indicates personnel layoffs and plant closings. The petition alleges "critical circumstances" in accordance with section 353.36(a)(14) of the Department Regulations (19 CFR 353.36(a)(14)).

In accordance with section 732(c) of the Act (93 Stat. 163, 19 U.S.C. 1673a(c)), I hereby determine that the Department will initiate an investigation to determine whether imports of unrefined montan wax from the German Democratic Republic are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d)) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d) the Department is notifying the U.S. International Trade Commission (ITC) and providing it with a copy of the information on which I based this determination to initate an investigation. The International Trade Administration will make available to the ITC all nonprivileged and nonconfidential information. It will also make available all privileged and confidential information in its files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the ITC will determine whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of unrefined montan wax from the German Democratic Republic. If that determination is negative, this investigation will be terminated, and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion.

Section 733(b) of the Act (93 Stat. 163, 19 U.S.C. 1673b(b)) requires that, normally no later than 160 days after the date on which the petition was filed, the International Trade Administration make a preliminary determination whether there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being, or is likely to be, sold at less than fair value. Therefore, unless the investigation is terminated or extended, the International Trade Administration will make a preliminary determination not later than Febraury 12, 1981. This notice is published pursuant to section 732 of the Act (93 Stat. 162, 19 U.S.C. 1673a) and section 353.37(b) of the Department Regulations, (19 CFR 353.37(b), 45 Fed. Reg. 8199).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 24, 1980.

[FR Doc. 80-30164 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-25-M

Certain Textiles and Textile Mill Products From India; Final Negative Countervailing Duty Determination

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

ACTION: Final negative countervailing duty determination.

SUMMARY: The Department of Commerce has determined that the Government of India does not confer benefits upon the production or export of certain textiles and textile mill products which constitute subsidies within the meaning of the countervailing duty law.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Supervisory Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-5496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 2, 1980, the Commerce Department published in the **Federal Register** a notice of "Initiation of

Countervailing Duty Investigation" in this case. By this action Commerce reopened on its own initiative an earlier countervailing duty investigation of certain textiles and textile mill products (hereinafter "textiles") from India which had been concluded on November 16, 1978, with the issuance of a final negative countervailing duty determination. The reopening of that proceeding was necessary to reexamine one of the programs originally investigated in light of statutory changes to the countervailing duty law made by the Trade Agreements Act of 1979. A notice of "Preliminary Countervailing Duty Determination" was published in the Federal Register on June 26, 1980 (45 Fed. Reg. 43240).

On January 1, 1980, Title I of the Trade Agreements Act of 1979 (93 Stat. 150) (the TAA) took effect. The TAA superseded section 303 of the Tariff Act of 1930 (the Act), for countervailing duty cases involving products of any country determined to be a "country under the Agreement," as defined in section 701(b) of the Act (19 U.S.C. 1671(b). The TAA also amended section 303 of the Act (19 U.S.C. 1303).

India is not presently a "country under the Agreement". This case is, therefore, governed by section 303 of the Act, as amended by section 103(b) of the TAA (19 U.S.C. 1303(b)).

Indian Textile Industry Profile

The textile industry is the largest organized industry in India, accounting for roughly 20 percent by value of India's total industrial production. The industry is composed of both large mills (the "mill sector") and many small enterprises (the "decentralized sector"). The mill sector consists of spinning mills producing yarn and composite mills which are engaged in both spinning and weaving. The decentralized sector, which uses power looms and hand looms, depends on the mill sector for its yarn requirements. Over one-half of the power looms are engaged in the manufacture of man-made textiles. Mills are located throughout India and employ over 7 million workers. Maharashtra, Gujarat, Tamil Nadu, Narnataka and West Bengal are the key manufacturing states. U.S. imports of cotton manufactures from India totaled 136 million equivalent square yards in 1978 as against 154 million equivalent square yards in 1977. Other major export markets include the United Kingdom, Dubai, Singapore, Australia, Sudan, France, West Germany, Canada and Zambia.

For purposes of this notice, "certain textiles and textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified hand-loomed and folklore products, made of cotton, wool and man-made fibers as specified in the U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) set forth in the appendix to the Federal Register notice published on October 13, 1978 (43 Fed. Reg. 47340). The term also refers to men's and boys' apparel described by TSUSA item numbers in this appendix.

Program Investigated

The program under investigation involves Cash Compensatory Support on Export (CCS) payments by the Government of India on the exportation of textile products. The CCS payments vary from 0.0 percent to 15.0 percent of the f.o.b. value of the exports, depending on the product.

This is the third in a series of cases involving CCS payments by Indian on exports to the United States. In both previous cases—Certain Industrial Fasteners from India, published in the Federal Register on July 21, 1980 (45 Fed. Reg. 48607) and Certain Iron Metal Castings from India, published in the Federal Register on August 20, 1980 (45 Fed. Reg. 55502)—we examined in some detail the nature of the CCS program and the specific manner in which it was applied to the products in question. We were unwilling to find that the program, *per se*, involved subidies within the meaning of the countervailing duty law. Rather, in each case our affirmative determination rested on the manner in which the program was applied to the specific products under investigation.

The issue in each instance is whether CCS payments on the export of a particular product can be considered bona fide, non-excessive rebates of indirect taxes previously paid on the product. If so, the payments are not subsidies within the meaning of the countervailing duty law; if not, they are.

The CCS program was introduced in 1966 and, since then, has been revised periodically. The Government of India has stated that the primary—but not the exclusive—purpose of the CCS program is to compensate exporters for various indirect taxces paid, and not otherwise rebated, on products that are exported. The CCS payments are designed to support exports in a manner consistent with the competitive needs of Indian producers.

The Government of India determines the CCS rate for a particular product after taking into account the incidence of indirect taxes paid by producers of the product that are not otherwise refunded, the existence of other disincentives to exports, and the competitive needs of the producers. There is no "right" to CCS payments; none are granted even where there are indirect taxes not otherwise rebated if the Government of India decides that the competitive need of a particular industry does not warrant CCS payments.

In the case of the textiles under investigation, the CCS rate was revised, effective April 1, 1979. In order to establish the new rate the Ministry of Commerce requested, on October 23, 1978, that the Silk and Rayon textiles Export Promotion Council and the Cotton Textiles Export Promotion Council and other export councils which represent the textile industry submit updated information on indirect taxes levied on textiles and textile mill products, and on other matters affecting their export.

As we stated in our decisions in the fasterner and castings cases, the primary considerations in determining whether programs like the CCS program should be considered indirect tax rebates are (1) whether the program operates for the purpose of rebating indirect taxes; (2) whether there is a clear link between eligibility for payments on export and indirect taxes paid; and (3) whether the Government has reasonably calculated and documented the actual indirect tax incidence relative to the products concerned and has demonstrated a clear link between such tax incidence and the amount paid on export.

In both the fastener and the castings cases, petitioners argued that the general structure of the CCS program precludes a finding that CCS payments constitute indirect tax rebates. We did not agree. In the fastener case we noted that:

> Counsel for petitioner has argued that a number of factors require the conclusion that, by its very structure, the CCS program cannot be considered a rebate of indirect taxes. Counsel has pointed out that the program is designed to serve objectives other than the rebate of indirect taxes, that CCS payments are not available by right to Indian producers, and that the Ministry which operates the program is not the taxing authority.
>
> We do not believe that any of these points is decisive. What the Indian Government may or may not hope to accomplish from the CCS payments does not determine the nature of the payments. There is nothing contradictory about rebating indirect taxes for the purpose of strengthening export performance. Similarly, the fact that the Government of India reserves the right not to grant CCS payments has no bearing on whether, when made, the payments are or are not indirect tax rebates. Finally, we do not believe that it is appropriate for the Department to

determine the character of CCS payments because they are made by one government agency as opposed to another. The question is not how the funds are distributed but whether the payments constitute bona fide rebates of indirect taxes (45 Fed. Reg. 48608).

Our decision in each of the previous cases turned on a specific analysis of the relationship between the CCS payments and the incidence of indirect taxes borne by the exports in question. In neither case was the necessary link between indirect taxes and CCS payments satisfactorily demonstrated. In both, CCS payments were significantly greater than the level of indirect taxes borne by the products (especially after discounting for various items, e.g. port congestion charges, or steel development surcharge which, while claimed as indirect taxes which may be rebated on export, would not be recognized as such under our countervailing duty law). Further, there was little evidence that the indirect tax incidence borne by producers of fasteners and castings had been calculated with precision. In both cases the indirect tax information supplied to the Government of India came from only a few producers and, even among these, there was no effort to provide a weighted average tax incidence.

In contrast, all major producers of textiles subject to this investigation provided the Indian government (through the relevant export promotion councils) full and detailed information on the incidence of indirect taxes paid in their products. The information provided by individual producers was carefully aggregated by the councils in order to provide the Government an average tax incidence for each product sector. The Government of India has shown that the councils are required to periodically submit updated tax incidence information and that the CCS payment level is evaluated in light of the new information. Finally for each product sector the amount of the CCS payment was equal to or, more often, less than the incidence of indirect taxes borne by the product.

Unlike the fasteners and castings cases, this case satisfies the standards for determining whether the CCS payments constitute indirect tax rebates has been met. First, the CCS program is an effort by the Government of India to rebate indirect taxes to Indian exporters of textiles. The program has other objectives but, as we said in our decision in the fasteners case, the additional objectives do not make the CCS program any less an effort to rebate indirect taxes. Second, eligibility for CCS payments is, in this case, clearly linked to indirect taxes paid. In order to set CCS payment levels, the Government of India required and received detailed information on indirect taxes paid; the CCS levels were set in light of this information. Finally, in this case the Government has taken care to require full and carefully documented information, on a product sector basis, of indirect taxes borne by textile and textile mill exports and has limited CCS payments to the amount of indirect taxes paid which, under our countervailing duty law, may be rebated on export.

We have, accordingly, concluded that CCS payments on the products subject to this investigation are not subsidies within the meaning of the countervailing duty law.

Verification

Department officials verified the information relied upon in reaching this determination through investigation of Government documents pertaining to the CCS program, examination of other documents, and discussions with officials of the Government of India. Examples of the type of documents examined include official government reports on policies, announcements of government programs, and trade organization reports.

Determination

I hereby determine that the Government of India does not provide bounties or grants (subsidies) within the meaning of section 303 of the Act on the production or export of textiles or textile mill products.

Accordingly, I direct cancellation of the suspension of liquidation ordered in the preliminary determination. I further direct Customs officers to liquidate entries without regard to countervailing duties, and to cancel any bonds or other security that had been required.

(Secs. 303 and 706 of the Act (19 U.S.C. 1303, 1671(e)), and section 355.33 of the Department of Commerce regulations (19 CFR 355.33))

Robert E. Herzstein,

Under Secretary for International Trade.

September 24, 1980.

[FR Doc. 80-30163 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-25-M

Worldwide Information and Trade System (WITS); Request for Information

FEDERAL AGENCY: Department of Commerce.

SUBMITTING OFFICE: International Trade Administration, Deputy Assistant Secretary for Export Development.

SUBJECT: Request for Information.

The Department of Commerce is currently developing a computerized, international marketing information system, known as the Worldwide Information and Trade System (WITS). The objective of WITS is to help increase U.S. exports. The Congress has indicated its intention that the objective be accomplished in a manner which utilizes, to the maximum extent possible, existing sector databases and other information services and does not duplicate or compete with them. Consistent with the Congressional intent and U.S. Government policy, the Department is interested in procuring the required database services for WITS from private sector sources, in preference to developing and maintaining the WITS database in house.

The WITS System contemplates a database of seven discrete files, described briefly below:

1. *Marketing information file* containing foreign economic, commercial and marketing information on business conditions and U.S. export prospects abroad.
2. *Promotional events file* containing information on U.S. and overseas export-related trade shows, missions, conferences, etc.
3. *Export advisory file* containing information on organizations and publications which can provide advice, information and other services to U.S. exporters.
4. *Foreign purchase leads file* containing specific leads from foreign firms or governments to purchase or distribute U.S. products abroad.
5. *Foreign customer file* containing information on foreign companies that represent potential customers for U.S. goods and services, including their marketing interests and capabilities vis a vis the U.S.
6. *U.S. supplier file* containing information on U.S. companies that currently export or are expressly interested in exporting, including their export capabilities, marketing interests and general products and services available for export.
7. *U.S. supply leads file* containing information on specific U.S. products and services available for export, including the characteristics, features, end uses and export status.

The Department of Commerce requests information on the capabilities and willingness of U.S. firms or organizations to collect, maintain and/or disseminate, in whole or in part, the data to be contained in the seven WITS files. The Department has a series of specific questions to pose to potential suppliers of this data concerning their

database capabilities. Responses to these questions will be used by the Department to:

a. Design the functional requirements and specifications to be incorporated in a Request for Proposal to procure the needed database services for WITS;

b. Identify currently available or planned private sector databases containing data relevant to WITS and capable of meeting some or all of the WITS requirement;

c. Determine whether any of the computerized data files currently planned for the WITS System would substantially duplicate any existing private sector databases.

Firms potentially interested in supplying database services for the WITS System should write to the Department at the address listed below, within ten (10) days of this announcement, to request a copy of the questions. Please specify which of the seven files you are interested in, so that you may receive the appropriate set of questions. ITA/ED/WITS, The Great Hall, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230

Vernon C. Stansbury, Jr.,

Deputy Director.

[FR Doc. 80-30076 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of Computer Systems Technical Advisory Committee will be held on Wednesday, October 15, 1980, at 1:30 p.m. in Room 6705, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, August 28, 1978, and August 29, 1980, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(h)(1) of the Export Administration Act of 1979, 50 U.S.C.A. App. 2401 *et seq.* and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee. On October 16, 1978, the Assistant Secretary for Industry and Trade approved the reestablishment of the Subcommittee pursuant to the charter of the Committee. And, on September 19, 1980, the Deputy Assistant Secretary for Export Administration approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of product and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports subject to unilateral and multilateral controls in which the United States establishes or in which it participates, including proposed revisions of any such controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of the performance analysis forms.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 26, 1980.

Kent N. Knowles,

Director, Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80-30382 Filed 9-29-80; 11:56 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, October 15, 1980, at 9:30 a.m. in Conference Room A, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, August 28, 1978, and August 29, 1980, the Assistant Secretary for Administration

approved the recharter and extension of the Committee, pursuant to Section 5(h)(1) of the Export Administration Act of 1979, 50 U.S.C.A. App. 2401 *et seq.* and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was established on February 4, 1974. On July 8, 1975 and October 16, 1978, the Subcommittee was approved for continuation pursuant to the charter of the Committee. On September 19, 1980, the Deputy Assistant Secretary for Export Administration approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of product and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports subject to unilateral and multilateral controls which the United States establishes or in which it participates, including proposed revisions of any such controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has four parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public

(3) Pending items of business:

a. Permissive reexports under GLR.

b. Technical preevaluation of products.

c. Other items pending from previous agendas.

(4) Standard formatting of license applications.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 26, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80-30381 Filed 9-29-80; 11:55 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Approval of the Louisiana Coastal Zone Management Program

Pursuant to the authority contained in Section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1445(a)), notice is hereby given that the Assistant Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) on September 20, 1980 approved the coastal zone management program of Louisiana.

Approval activates Federal agency responsibility for being consistent with this program pursuant to the Federal consistency provisions of the Coastal Zone Management Act as of the date of approval. Further information on the responsibilities of affected Federal agencies in this regard may be found in 15 CFR Part 930, published in the **Federal Register**, at page 37142, on June 25, 1979.

A copy of the findings made by the Assistant Administrator in determining that this program meets the requirements of the Coastal Zone Management Act may be obtained upon request from the Office of Coastal Zone Management. Inquiries regarding the Louisiana Program should be addressed to: Ann Berger-Blundon, Gulf/Islands Regional Manager, Office of Coastal Zone Management, Page Building No. 1 Room 354, 3300 Whitehaven Street, NW., Washington, D.C. 20235, (202) 254-7546.

Dated: September 24, 1980.

Michael Glazer,

Assistant Administrator for Coastal Zone Management.

[FR Doc. 80-30176 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-08-M

Office of the Secretary

[Department Organization Order 10-11; Amdt. 2; Transmittal 504]

Delegation of Authority; Associate Deputy Secretary

Effective: August 7, 1980.

This order effective August 7, 1980 further amends the material appearing at 45 FR 6144 of January 25, 1980 and 45 FR 51870 of August 5, 1980.

Department Organization Order 10-11 of January 2, 1980 is hereby further amended as shown below. The purpose of this amendment is to add the International Expositions Staff.

1. *Section 3. Delegation of authority.* In pen and ink number the existing paragraph as .01 and a new paragraph .02 is added to read as follows:

".02 The authority of the Secretary under the Act of May 27, 1970 (P.L. 91-269, 22 U.S.C. 2801 *et seq.*); which relates to participation of the United States in international exhibitions, is hereby delegated to the Associate Deputy Secretary."

2. *Section 4. Functions.* A new paragraph q. is being added to read as follows:

"q. To direct, coordinate and monitor the policies and operation of the International Expositions Staff."

3. *Section 5. Organization.* Paragraph .02 is revised to read as follows:

".02 The Associate Deputy Secretary directs and supervises the following organizational units:

"a. The Office of Regional Development (DOO 15-5);

"b. The Office of State and Local Government Assistance (DOO 22-1);

"c. The Office of Program Coordination (DOO 22-2);

"d. The Office of Regional Affairs (DOO 22-4);

"e. The Office of Business Liaison (DOO 22-5); and

"f. The International Expositions Staff."

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-30158 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-17-M

[Department Organization Order 15-3; Amdt. 2; Transmittal 507]

Delegation of Authority; Office of Public Affairs

Effective: September 12, 1980.

This order effective September 12, 1980 further amends the material appearing at 43 FR 15479 of April 13, 1978, and supersedes the material appearing at 43 FR 35523 of August 10, 1978.

Department Organization Order 15-3 of March 4, 1978 is hereby further amended as shown below. The purpose of this amendment is to transfer responsibility for editorial functions and OMB Circular A-3 to the Office of Publications.

1. *Section 3. Functions.* In pen and ink, add the word "and" at the end of

paragraph 3.1., change the semicolon at the end of paragraph 3.m. to a period, and delete paragraph 3.n.

2. *Section 4. Organization.* Paragraphs .01 and .03 are revised to read as follows:

".01 The *Deputy Director of Public Affairs* assists the Director in the performance of responsibilities and performs the duties of the Director in the latter's absence. The Deputy Director is also responsible for reviewing all proposed Departmental publications to ensure the appropriate policy content.

".03 The *Print Media Division* is responsible for disseminating printed materials, for relationships with the press, and operation of the Commerce News Room. Specifically, the Division shall:

"a. Provide liaison with and assistance to representatives of the press on a day-to-day basis.

"b. Review and approve for issuance press releases from operating units.

"c. Prepare press releases, articles, and other materials on Department-level matters.

"d. Advise and assist the public information staffs in the operating units in preparation and distribution of releases and material."

3. Amendment 1 dated July 17, 1978 is hereby superseded.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-30159 Filed 9-30-80; 8:45 am]

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[Department Organization Order 25-5B; Transmittal 506]

Organization Order; National Oceanic and Atmospheric Administration

Effective: August 18, 1980.

This order effective August 18, 1980 supersedes the materials appearing at 43 FR 51438 of November 3, 1978, 44 FR 3303 of January 16, 1979, 44 FR 15522 of March 14, 1979, 44 FR 24623 of April 26, 1979, 44 FR 63128 of November 2, 1979, 45 FR 19292 of March 25, 1980 and 45 FR 32749 of May 19, 1980.

Section 1. Purpose.

.01 This order prescribes the internal organization, management structure, and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). The scope of authority and functions of NOAA are set forth in Department Organization Order 25-5A.

.02 The purpose of this revision is to:

a. Remove from the Executive Secretariat (Section 3.) the responsibility to serve as primary contact and coordinating point for audits. This function is now performed by the Assistant Administrator for Management and Budget.

b. Transfer the National Climate Program Office to the Assistant Administrator for Policy and Planning (Section 6.) and set forth the organization structure under the Assistant Administrator.

c. Change the title of the Office of Resource Use Assessment and Coordination under the Assistant Administrator for Coastal Zone Management (Section 8.) to the Office of Ocean Resource Coordination and Assessment.

d. Remove from the Office of Management and Computer Systems (Section 9.) the reference to the Federal planning program for environmental telecommunications system. This program has been eliminated by the Executive Office of the President.

e. Eliminate the listing of the organizational substructure under the Office of Ocean Engineering, and Environmental Research Laboratories in Section 10., and National Weather Service, National Ocean Survey, and Environmental Data and Information Service in Section 11. These listings did not serve a useful purpose, and increased the administrative burden on NOAA when changes were required.

f. Rename the National Environmental Satellite Service as the National Earth Satellite Service and elevate it from a Major Program Element reporting to the Assistant Administrator for Oceanic and Atmospheric Services to a major line component reporting to the Administrator (Section 12.); and incorporate outstanding amendments.

Section 2. Organization Structure.

The organization structure of NOAA shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Administrator.

.01 The *Administrator* of NOAA formulates policies and programs for achieving the objectives of NOAA and directs the execution of these programs.

.02 The *Deputy Administrator* assists the Administrator in formulating policies and programs and in managing NOAA.

.03 The *Associate Administrator* assists the Administrator and the Deputy Administrator in formulating policies and programs and in managing NOAA.

.04 The *Executive Secretariat* shall provide management and control of all correspondence addressed to or from the Administrator, Deputy Administrator and Associate Administrator; follow-up on action items assigned by the Administrator; advise NOAA officials regarding the Administrator's position on issues and on actions or decisions affecting their areas of responsibility; maintain the schedule for and coordinate the NOAA weekend duty officer system; and provide administrative and logistic support to the Office of the Administrator, the special staff offices, and such other offices as may be assigned.

Section 4. Special Staff Offices.

.01 The *Office of Congressional Affairs* shall coordinate contacts with Congress involving NOAA (except for budgetary matters involving the Appropriations Committees); identify and track all legislation of interest to NOAA; develop positions setting forth NOAA's views as to the merits of proposed or pending legislation; receive all requests for NOAA testimony before Congress (except for budgetary matters) and coordinate preparation of testimony; and assist the NOAA Office of General Counsel in clearing legislative positions and testimony through the appropriate Departmental offices. The activities shall be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Affairs and Office of General Counsel.

.02 The *Office of Public Affairs* shall recommend objectives and policies relating to public affairs; plan and conduct an information and education program to insure that the public, Congress, user groups, and employees are properly informed on NOAA's activities; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Public Affairs.

.03 The *Office of Naval Deputy* shall insure coordination and joint planning with the Navy on programs of mutual organizational interest.

.04 The *Office of NOAA Corps* shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, training, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

.05 The *Office for Civil Rights shall* develop, direct and coordinate programs, policies and activities throughout NOAA to insure the effective fulfillment of NOAA's responsibilities in

the areas of equal employment opportunity (EEO), including affirmative action, for employees and job applicants, and nondiscrimination in activities and projects sponsored by NOAA Programs. The Office shall develop program policy recommendations; advise and assist NOAA elements in the performance of their EEO and civil rights responsibilities; monitor and evaluate the implementation of approved recommendations, affirmative action plans, and the effectiveness of NOAA in the areas of EEO and civil rights; monitor and evaluate compliance with civil rights or EEO statutes, executive orders or regulations; and administer NOAA's internal and external discrimination complaint systems, Race Relations Training Program, and Special Emphasis Programs. It shall work in close cooperation with the Office of Management and Budget with respect to EEO and affirmative action within NOAA, so that policy direction and guidance may be provided to the personnel offices on EEO and affirmative action matters. The activities of this Office shall be carried out in cooperation with the Departmental Office of Civil Rights and the Departmental and NOAA General Counsels.

.06 The *Office of University Affairs* shall develop policies and programs designed to improve NOAA's relations with the academic and research communities. It shall serve as the focal point and assist managers in locating and attracting highly-qualified academic scientists to work in NOAA. The Office shall maintain cognizance of university research, studies, curriculum and personnel applicable to NOAA programs.

Section 5. General Counsel.

The *General Counsel* shall provide the full range of legal services for all components of NOAA; review and process claims against NOAA; be responsible for the drafting of legislation and the legal review of legislative positions and testimony to be given before Congress; and, in cooperation with the NOAA Office of Congressional Affairs, clear legislative positions and testimony through appropriate Departmental offices. These activities shall be carried out subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10–6. Legislative activities shall be carried out in cooperation with and in recognition of the responsibilities of the Departmental Office of General Counsel and the Office of Congressional Affairs.

Section 6. Assistant Administrator for Policy and Planning.

The *Assistant Administrator for Policy and Planning* shall provide staff advice to the Administrator to achieve NOAA's goals through program planning and development of appropriate agency policies. The Assistant Administrator shall formulate and recommend long-range plans and policies for new initiatives and modification of existing programs; conduct economic and scientific studies in support of its activities; identify major issues affecting NOAA's programs and direct studies to provide recommendations for their solution; serve as NOAA's representative on the interagency committees and as NOAA's liaison with the National Advisory Committee on Oceans and Atmosphere; and provide assistance in solving special programs and articulating policy on matters of immediate concern to the Administrator.

In addition, the Assistant Administrator shall develop policy and provide management coordination in four areas:

- All NOAA activities relating to the implementation by NOAA of the National Environmental Policy Act and related ecological and environmental conservation matters;
- NOAA's responsibilities under Section 4 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978;
- NOAA's responsibilities to coordinate the government-wide National Climate Program under the National Climate Program Act; and
- NOAA's Marine Minerals programs, acting as NOAA's focal point in developing and coordinating these programs in relation to programs and requirements of other agencies, industry and other elements of the private sector.

To carry out these responsibilities, the Assistant Administrator shall manage the following units:

.01 The *Policy Analysis Office* shall provide staff support to the Assistant Administrator in providing advice to the Administrator. To this end it will:

a. Formulate and recommend long-range plans and policies for new program initiatives and modification of existing programs;

b. Conduct economic and scientific studies and operations analysis in support of policy and planning activities;

c. Identify major national and international issues and problems affecting NOAA's programs and direct and coordinate studies and analysis to provide recommendations for their solution;

d. As directed by the Administrator, serves as NOAA's representative on designated interagency committees; and

e. Provide assistance in solving special problems and articulating policy on matters of immediate concern to the Administrator.

.02 The *Ecology and Conservation Office* shall:

a. Act as the Administrator's focal point for policy review of all NOAA activities relating to ecology and environmental conservation;

b. Review all NOAA activities to ensure full compliance with the purposes and provisions of Sections 102 and 103 of the National Envornmental Policy Act of 1969 (Public Law 91–190), as implemented by Department Administrative Order 216–6; provide final review of NOAA envornmental statements required by Section 102 of the Act; and coordinate, within NOAA and with DOC and other appropriate agencies, the preparation of environmental comments by that section;

c. Represent NOAA in discussions with the Council on Environmental Quality and the Environmental Protection Agency on matters related to the functioning of the National Environmental Policy Act; and

d. Serve as appropriate on interagency councils, and in interagency discussions, on matters that involve ecology or environmental quality issues, and as the Administrator's principal liaison with private organizations concerned with environmental issues.

.03 The *National Marine Pollution Program Office*, to fulfill the responsibilities assigned to NOAA by Section 4 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (OPRDM), shall:

a. Prepare on a biennial basis the five-year Federal plan on ocean pollution research, development, and monitoring (OPRDM) called for by the Act;

b. Consult with Federal, State and local agencies, and private sector experts, and conduct studies and analyses, to determine national OPRDM needs and problems, current levels of Federal and non-Federal OPRDM activities, priority problem areas for action during the plan period, areas of overemphasis or underemphasis in the current Federal program, and recommendations for improved efficiency and effectiveness in the Federal OPRDM effort;

c. Exercise an overall interagency coordination role to ensure implementation of recommendations in the current Federal plan and develop, in consultation with the Office of

Management and Budget and officials of concerned Federal agencies, methods to coordinate the Federal budget review process for OPRDM programs;

d. Serve as primary staff support for the Interagency Committee for OPRDM, chaired by the Deputy Administrator, NOAA; and

e. Evaluate the effectiveness of the Act and its implementation.

.05 The *National Climate Program Office* shall act as the focal point within the Federal Government to administer the National Climate Program in accordance with the National Climate Act (Public Law 95–367). In order to coordinate, plan, and serve national efforts in climate, the office shall:

a. Develop the National Climate Program, including preparation of national climate plans and the Annual Report;

b. Define the roles of various Federal departments and agencies in the National Climate Program and provide for Program coordination through interagency groups and advisory committees or other mechanisms;

c. Cooperate and participate with other Federal agencies, including the Department of State, and foreign, international and domestic organizations and agencies involved in international or domestic climate-related programs;

d. Assist the Administrator in establishing an intergovernmental program for Federal and State cooperative activities in climate studies and advisory services;

e. Administer and monitor grants for research to public or private educational institutions, state agencies, and other persons or institutions qualified to conduct climate-related studies or provide climate-related services;

f. Coordinate with and assist the Office of Management and Budget in the preparation of a horizontal budget for the National Program; and

g. Evaluate the effectiveness of the Act and its implementation and develop recommendations for changes to further the national objectives in this area.

.06 The *Marine Minerals Office* shall:

a. Coordinate, plan, and implement, in cooperation with other NOAA components, all NOAA activities pertaining to the development and authorization of marine hard mineral resources and the establishment of associated environmental safeguards for the marine and coastal environments;

b. Assist the Assistant Administrator in the establishment of NOAA policies, pogram goals and objectives for marine hard minerals; and

c. Act as NOAA's focal point for communication and coordination of the program with all concerned interests, including other Federal agencies, and the private sector.

Section 7. Assistant Administrator for Fisheries

The *Assistant Administrator for Fisheries* shall administer an integrated program of management, research, and services for the protection and rational use of living marine resources for their aesthetic, economic, and recreational value by the American people. The Assistant Administrator shall administer programs to determine the consequences of the naturally varying environment and human activities on living marine resources; to provide knowledge and services to foster their efficient and judicious use; and to achieve domestic and international management, use and conservation of living marine resources. To carry out these responsibilities, the Assistant Administrator shall have and direct the following units:

.01 The *Office of the Assistant Administrator* shall formulate, recommend, and execute basic policies relative to living marine resources and manage the National Marine Fisheries Service (NMFS). The Assistant Administrator shall be immediately assisted by a Deputy Assistant Administrator and an Executive Director. The Assistant Administrator, Deputy Assistant Administrator, and the Executive Director shall function as the Director, NMFS, Deputy Director, NMFS, and Associate Director, NMFS, respectively.

.02 The *Office of Utilization and Development* shall provide oversight for, and serve as the Assistant Administrator's principal source of advice on, all NMFS programs designed to improve the quality and safety of fish and seafoods, to assist the U.S. fishing industry, and to enhance the production, marketing, consumer awareness and acceptability of fishery products. The Office shall advise the Assistant Administrator and the Office of Science and Environment on the need for utilization technology research related to the harvesting, processing and marketing of fishery products and their use as human food; shall review and advise the Assistant Administrator on the utilization technology research plans of the Fisheries Centers; shall ensure coordination between such plans and other fishery development programs of the Office; shall manage a voluntary inspection and grading program for improving the quality and safety of seafoods; shall manage a tax deferred capital construction fund; shall manage the Fishermen's Contingency Fund; and shall coordinate NMFS activities related to commercial aquaculture. The Office shall also develop policies, guidelines and procedures for, and provide national coordination of, the fishery development and industry assistance programs carried out by the Regional Offices, including programs of: (1) financial assistance in the form of loans, loan guarantees, and loan insurance; (2) consumer education and marketing to facilitate fishery development and stability in the marketing chain; (3) fishery market news, including the preparation of market research reports and the provision of information on foreign trade and other matters which may affect the commercial fishing industry; and (4) regional fisheries development efforts designed to increase the market share of domestically produced seafoods.

.03 The *Office of Resource Conservation and Management* shall provide oversight for, and serve as the Assistant Administrator's principal source of advice on, all matters related to NMFS' fisheries management and marine recreational fisheries responsibilities. The Office shall develop national standards and operational guidelines for fisheries management programs, including the State-Federal Fisheries Management Program; shall review and recommend action on fisheries management plans; shall prepare implementing regulations as necessary; shall process applications and issue fishing permits; shall coordinate programs involving the enforcement of laws and regulations promulgated to protect fisheries resources, marine mammals and endangered species; and shall coordinate the provision of funding and such other administrative and technical support as may be required by the Regional Fisheries Management Councils. The Office shall also coordinate the planning and development of multidisciplinary programs in marine recreational fisheries.

.04 The *Office of International Fisheries Affairs* shall serve as the Assistant Administrator's principal source of advice on all matters related to international fisheries. The Office shall develop policy positions on international fisheries issues; shall acquire data and provide analyses regarding the status and impact of present and projected foreign fishing, industry activity and government attitudes and policies regarding fishing; shall participate in negotiations within, and the operations of, international forums, commissions and agreements, as

requested; shall manage NOAA's international fisheries training program; and shall monitor and coordinate activities with regard to the U.S. Fisheries Attache Program.

.05 The *Office of Science and Environment* shall provide oversight for, and serve as the Assistant Administrator's principal source of advice on, all aspects of the NMFS research program. The Office shall develop policy and guidelines and provide national coordination for the planning and development of a multidisciplinary program of biological and socio-economic research necessary to provide information on fisheries management options to the appropriate Regional Fisheries Management Councils, to support national and regional programs including those related to utilization technology, marine mammals and endangered species and habitat protection, and to respond to the needs of various user groups; shall review and advise the Assistant Administrator on the research plans of the Fisheries Centers; and shall advise the Assistant Administrator on the needs for oceanic research and services which should be undertaken by the Office of Research and Development and Oceanic and Atmospheric Services to meet the special needs of the fisheries industry. As the principal headquarters focus for scientific expertise, the Office shall serve as the primary liaison with other government agencies and the scientific community on the national level regarding scientific and technical matters.

.06 The *Office of Marine Mammals and Endangered Species* shall serve as the Assistant Administrator's principal source of advice on all matters related to the conservation and protection of those marine mammals and endangered species under the jurisdiction of the Secretary of Commerce. The Office shall advise the Assistant Administrator and the Office of Science and Environment on the need of research related to marine mammals and endangered species; shall review and advise the Assistant Administrator on the marine mammals and endangered species research plans of the Fisheries Centers; and shall ensure coordination between such plans and other conservation and protection programs of the Office. The Office shall prepare regulations and other public notices; shall conduct public hearings and meetings; shall prepare and review management plans; shall issue permits to take marine mammals or endangered species; shall assist the Office of Resource Conservation and Management in coordinating enforcement programs related to marine mammals and endangered species; and shall provide technical support for international negotiations and the Marine Mammal Commission. In cooperation with the Northwest Region, the Office shall also manage the Pribilof Islands Program, which includes the administration of the Pribilof Islands and related fur seal harvest.

.07 The *Office of Habitat Protection* shall serve as the Assistant Administator's principal source of advice on all matters related to the environmental impact of human activities on the Nation's commercial fisheries and living marine resources and their habitats. The Office shall advise the Assistant Administrator and the Office of Science and Environment on the need for research related to habitat protection; shall review and advise the Assistant Administrator on the habitat protection research plans of the Fisheries Centers; and shall coordinate such plans with other habitat protection programs of the Office. The Office shall advise the Assistant Administrator on the effect that energy production efforts, outer continental shelf development activities, coastal zone planning and development programs and other similar activities have on commercial fishery and living marine resources and their habitats; shall coordinate the preparation of NMFS comments on construction and waste discharge permits, Federal water projects and other agencies' Environmental Impact Statements; shall determine the degree to which such activities comply with national policies; and shall be the NMFS focus for NOAA and interagency liaison on all matters related to habitat protection.

.08 The *Field Structure* shall consist of the following organizational elements:

A copy of Exhibit 2 is on file with the original of this document in the Office of the Federal Register.

a. Five Regional Offices as shown in Exhibit 2. Regional Offices shall serve as the regional representative of the Assistant Administrator with state conservation agencies, recreational interests, the fishing industry, other constituencies and the general public. In cooperation with appropriate headquarters offices and in accordance with the policies, guidelines and procedures provided by the Assistant Administrator, the Regional Offices shall plan, organize and manage regional programs: in fishery management, including the administration of grant programs, the provision of administrative and technical support to the Regional Fisheries Management Councils within the geographic area of responsibility, and initial review of fishery management plans; in fisheries development and industry assistance, including the administration of financial assistance programs; in recreational fisheries; and in other service areas throughout the program range of NMFS. The Regional Offices shall coordinate the planning and implementation of these programs with the Regional Fisheries Centers and with other nations and agencies as appropriate. They shall provide administrative support to other NMFS components within their geographic boundaries. The Director of each Regional Office shall report and be responsible to the Assistant Administrator.

A copy of Exhibit 3 is on file with the original of this document in the Office of the Federal Register.

b. Four Fisheries Centers as shown in Exhibit 3. In cooperation with appropriate headquarters offices and in accordance with the policies and guidelines provided by the Assistant Administrator, the Fisheries Centers shall plan, develop and manage multidisciplinary biological and socio-economic research programs necessary to provide fisheries management information and management options to the Regional Fisheries Management Councils, to support national and regional programs of the NMFS, and to respond to the needs of various user groups. The Centers shall develop the scientific base for status of stocks, status of fisheries including both socio-economic and biological aspects, environmental assessment and environmental impact statements; shall collect, document and interpret scientific and economic data as technical support for management plans, international negotiations, fishery development and food engineering programs; shall provide technical review and monitoring of fisheries plans and grant programs; shall pursue fundamental and applie research on specified topics such as marine mammals, endangered species, food science, fishing, oceanography, and aquaculture; and shall maintain liaison with the scientific community at the regional level. The Director of each Fisheries Center shall report and be responsible to the Assistant Administrator.

Section 8. Assistant Administrator for Coastal Zone Management

The *Assistant Administrator for Coastal Zone Management* shall administer and establish policy for NOAA's Coastal Zone Management

activity which includes the following programs: State Programs of Coastal Zone Management; Marine and Estuarine Sanctuary Programs; Coastal Energy Impact Program; and closely related programs. The Assistant Administrator for Coastal Zone Management shall serve as the primary program policy officer with authority and responsibility for implementing the programs authorized in the Coastal Zone Management Act of 1972, as amended; the Marine Sanctuaries Programs of the Marine Protection, Research and Sanctuaries Act of 1972; and NOAA's responsibilities pursuant to the Deep Water Ports Act of 1974. To carry out these responsibilities, the Assistant Administrator shall have and direct the following units:

.01 The *Office of the Assistant Administrator for Coastal Zone Management* shall manage and direct the Office of Coastal Zone Management; formulate, recommend, and execute basic policies relative to Coastal Zone and Ocean Management; and provide advice to the Administration on NOAA's coastal zone and ocean area management effort. The Office shall develop NOAA policy, promulgate regulations, and implement procedures necessary for Federal review and approval of state coastal management programs and the execution of federal consistency provisions which then come into force. It shall serve as the focal point for Federal interagency coordination and Federal-State consultation efforts on all matters relating to the management of the Nation's coastal and ocean areas. The Office shall serve as the Federal Government focal point regarding the operation of the Federal programs affecting the Nation's coastal zone and the consistency of these programs with the policies contained in the Coastal Zone Acts of 1972 and 1976. The Office shall develop policies and guidelines, and administer the Marine and Estuarine Sanctuary and Shorefront Access programs, and shall administer and monitor grants to states in support of these programs. It shall serve as NOAA's focal point, direct and coordinate assessments of the impact of alternative uses for intensely used ocean and adjacent areas, and develop and recommend policies on actions which will result in maximum benefit for the Nation.

.02 The *Office of Coastal Zone Management Programs* shall develop policies and guidelines on a continuing basis to assist State and local governments in the effective management and, where possible, the restoration and enhancement of the land and water resources of the coastal zone of the Nation. The Office shall administer and monitor grants to states in support of the development and administration of coastal zone management programs.

.03 The *Office of Coastal Energy Impact Programs* shall develop policies and guidelines on a continuing basis to assist State and local governments in planning for the consequences of, and impacts on, the Nation's coastal zones due to accelerated energy development activities. The Office shall administer and monitor an energy impact financial assistance program consisting of loans, bond guarantees, planning grants, environmental grants, and formula grants, each subject to specified conditions, for the purpose of meeting needs of State and local governments resulting from new or expanded energy activity in, or affecting, the coastal zone.

.04 The *Office of Sanctuary Programs* shall develop policies and guidelines on a continuing basis to assist States and other governmental entities in the effective acquisition, conservation and protection of marine and estuarine sanctuary, wetlands, and waterfront areas. The Office shall administer and monitor grants to states in support of the development of and administration of sanctuary and waterfront access programs.

.05 The *Office of Ocean Resource Coordination and Assessment* shall identify and assess impacts of present or propose uses of critical ocean and adjacent areas, and develop and recommend policies or proposals which will result in optimum benefit for the Nation. It directs and coordinates assessment of potential impacts of proposed human activity including outer continental shelf use, deep water ports, offshore oil and gas development, power generation, ocean dumping and recreation.

Section 9. Assistant Administrator for Management and Budget

The *Assistant Administrator for Management and Budget* shall provide administrative management support services and the means of management control over program and budget operations and program evaluation for all components of NOAA, except for elements of such services that appropriate components are directed to provide for themselves, exercise functional supervision over such decentralized services, and provide advice and guidance on the utilization of NOAA resources. To carry out these responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The *Office of the Assistant Administrator* shall formulate and execute the basic policies of the Office of Management and Budget.

.02 The *Office of Administrative Operations* shall administer programs in procurement and grants management; property and supply management; forms, correspondence, records, and files management; space and facilities management; travel and traffic management; mail, messenger, and related office services; graphic services; safety; and security.

.03 The *Office of Program Evaluation and Budget* shall provide NOAA with the means of management control over program and budget operations and program evaluations, and shall coordinate Integrated Program Management (IPM) activities. This Office, through the Assistant Administrator for Management and Budget, shall be the focal point for contacts with the Department and the Office of Management and Budget in these areas. The Office shall specifically be responsible for the planning and management of the annual NOAA Program review; the consolidation and integration of program guidance developed by the Assistant Administrator; the coordination and development of issue studies, Zero Base Budget materials, and other supporting documentation required in the program/budget cycle; the development of the NOAA budget; the allocation and budgetary control of funds; the review and monitoring of fiscal plan execution; the design and implementation of program impact and efficiency evaluations; and the coordination of Departmental and Office of Management and Budget requirements and reporting activities necessary to the operation of the Office.

.04 The *Office of Management and Computer Systems* shall conduct studies and provide analytical assistance to develop or improve the organization and staffing structure and other management systems within NOAA; provide management staff services in the application of advanced management principles and techniques; carry out the NOAA committee, reports and directives management functions; develop and maintain a central system for collecting, analyzing, presenting, and disseminating information on program status and performance; provide guidance and develop systems for measuring productivity and performance; exercise overall management, planning and coordination of NOAA's automatic data processing

and telecommunications needs and facilities including serving as the focal point within NOAA for intra- and interagency matters, and the review and evaluation of proposals for automatic data processing and telecommunications requirements and systems; and engage in research into advanced system concepts and apply or provide guidance in the application of these concepts. The Office shall provide systems analysis and programming support to NOAA's executive and administrative management functions and to other NOAA functions as requested, and shall operate and provide automatic data processing facilities and systems and special software support for all NOAA components except where separate facilities are approved.

.05 The *Office of Personnel* shall administer a program of personnel management services including conducting recruitment, employment, classification and compensation, employee relations and assistance, labor relations, incentive awards, and career development activities for civilian personnel. This shall include, in coordination with the Office for Civil Rights on EEO and civil rights matters, upward mobility and cooperative education student programs, equal employment opportunity programs, and affirmative action plans.

.06 The *Office of Finance* shall provide centralized financial accounting and payroll for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.07 The *Office of Radio Frequency Management* shall, as a Departmentwide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of the Department of Commerce.

.08 The *Northwest Administrative Service Office* shall provide administrative services responsive to the requirements of the NMFS Northwest, Southwest, and Alaska Regions, the NMFS Northwest and Alaska Fisheries Center and Southwest Fisheries Center, the NOS Pacific Marine Center, and such other NOAA organizational units which can be accommodated. These services shall include personnel administration, finance, procurement and contracting, property management, motor vehicle pool operation, and office services.

Section 10. Assistant Administrator for Research and Development

The *Assistant Administrator for Research and Development* shall administer an intergrated program of research, technology and advanced engineering development and transfer relating to the oceans, the Great Lakes, the United States' coastal waters, the lower and upper atmosphere and the space environment, so as to increase understanding of the environment and human impact thereon, and thus provide the scientific basis for improved services. The Assistant Administrator for Research and Development shall serve as the principal advisor to the Administrator on all research, technology and engineering matters. To carry out these responsibilities the Assistant Administrator shall have and direct the following units:

.01 The *Office of the Assistant Administrator* shall formulate, recommend, and execute basic policies and manage the Office of Research and Development; provide advice to the Administrator on NOAA's total research and technology development effort; and advise the National Marine Fisheries Service and the Offices of Coastal Zone Management, National Earth Satellite Service, and Oceanic and Atmospheric Services on the research and technology development effort; and advise the National Marine Fisheries Service and the Office of Coastal Zone Management, and Ocean and Atmospheric Services on the research and technology development undertaken within their organizations to meet their special needs. It shall serve as NOAA's focal point for coordination with the Office of Science and Technology Policy; the Federal Coordinating Council for Science, Engineering, and Technology; National Science Foundation; National Academy of Sciences; National Academy of Engineering; universities; interagency groups and international scientific bodies on matters affecting research and technology programs. The Office shall discharge those coordinating and management functions for research and technology development which are assigned to NOAA for the Global Atmospheric Research Program, and others as may be assigned by the Administrator; provide a focal point for NOAA's research activites in support of international environmental programs such as the United Nations Environment Program (UNEP), United Nations Intergovernmental Oceanographic Commission, bilateral agreements with other nations, and such others as the Administrator may assign; and promote the transfer of research information and new technology to other components of NOAA and to other scientific organizations outside of NOAA.

.02 The *Office of Sea Grant* (SG) shall develop and administer an academically-based program of grants and contracts for reseach, education, and advisory services aimed at the development, utilization, and management of the resources of the seas and the Great Lakes of the United States.

.03 The *Office of Ocean Engineering* (OOE) shall develop policy and plans for NOAA's ocean engineering and instrumentation program and promote the development of technology to meet future needs of the marine community; conduct an integrated program of research, technology development, and services related to ocean engineering instrumentation and measurement standards, ocean buoy systems, and undersea operations; manage the NOAA diver program; conduct studies of underwater diving techniques and equipment suitable for protection of human safety and improvement of diver performance; and serve as a national focal point for transfer of knowledge related to civilian ocean engineering, a catalyst for industrial ocean engineering development, and a mechanism for technology transfer from military and space fields.

.04 The *Environmentral Research Laboratories* (ERL) shall conduct research to describe, understand and improve the prediction of oceanic processes and phenomena, ocean-atmosphere interactions, and the environmental processes of coastal areas; conduct research on the physics and chemistry of the atmosphere; conduct research on the dynamics and physics of geophysical fluids systems to describe, understand and improve predictions of the state of atmosphere and oceans, and their processes; develop techniques and maintan facilities to support the conduct of research and monitoring activities; measure and monitor the atmospheric composition for use in predicting and validating trends in atmospheric conditions; and conduct research to describe, understand and improve prediction of environmental processes in the Great Lakes and their watershed. The Office shall also conduct research in the field of solar-terrestrial physics; provide monitoring and forecasting of the space environment; and improve techniques for forecasting of solar disturbances and their effects on the earth's environment.

.05 The *Office of Marine Pollution Assessment* provides the focus for and

coordinates NOAA's programs and activities in marine pollution research and development, monitoring and assessment, and provides the interface between NOAA marine pollution related programs and the NOAA staff office charged with developing the Comprehensive Federal Plan Relating to Ocean Pollution. It develops and implements comprehensive, integrated and continuing programs to assess short-term and long-term impacts of pollution and other people-induced changes of marine ecosystems, including those from ocean dumping; disseminates results developed from such programs to appropriate agencies and persons, and provides advice upon request; and ensures that information regarding ocean pollution research and development and monitoring programs are disseminated in a timely manner and useful form. It implements research necessary to design monitoring programs in marine environments, and provides information on pollution impacts, alternatives, and mitigating measures for resource management decisions when marine ecosystems are subjected to pollution or people-induced alterations. It recommends and advises the Assistant Administrator for Research and Development on policy, programmatic priorities, emphasis and direction, and other issues concerned with marine pollution and its effects.

Section 11. Assistant Administrator for Oceanic and Atmospheric Services

The *Assistant Administrator for Oceanic and Atmospheric Services* shall administer programs which entail monitoring and predicting the state of the physical environment, to provide a wide variety of meteorologic, hydrologic, climatologic, map and chart, geodetic, and oceanographic data and services to government, industry, the scientific and engineering communities, and the general public. To carry out these responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The *Office of the Assistant Administrator* shall formulate, recommend, and execute basic policies and programs; with appropriate support of other offices, act as the NOAA focal point for participation in international meteorological, hydrologic, oceanic, and climatological activities, including the international exchange of data, service, products and forecasts, of the World Meteorological Organization, the International Civil Aviation Organization, and other bodies as may be designated by the Administrator; be responsible for and administer programs for NOAA support in time of civil emergencies, the conduct of postdisaster surveys designed to evaluate the effectiveness of NOAA's warning services, and the cooperation between NOAA and the Department of Defense in time of a declared national emergency; and discharge the Federal Coordinating functions assigned to NOAA for meteorology, marine prediction services, geodetic surveys, and others that may be assigned by the Administrator. In consultation with National Marine Fisheries Service and the Offices of Coastal Zone Management and Research and Development, the Office shall design and execute service programs intended to meet the needs of these other elements of NOAA and their constituencies. In consultation with the Office of Research and Development, it shall design and execute research and technology development programs; conduct systems, equipment, and techniques development programs; and carry out related activities designed to improve the efficiency of service programs and the responsiveness of these programs to user needs. The Office also shall determine and validate requirements for oceanic and atmospheric services; evaluate the efficiency and economy with which the service programs meet these needs; and take such steps as are feasible to improve services to meet new or changing needs.

.02 The *National Ocean Survey* (NOS) shall provide charts for the safety of marine and air navigation; provide a basic work network of geodetic control; provide basic geodetic, gravimetric, bathymetric, hydrologic, circulatory current, and tidal data for engineering, scientific, commercial, industrial, and defense needs; monitor the marine environment to assess human impacts, including those from ocean dumping; and undertake a program of marine technology development to observe, measure, and chart oceanic phenomena and resources. In performance of these functions, it shall conduct surveys, investigations, analyses, and research and technology development; and shall disseminate data in the fields of geodesy, gravity, astronomy, aeronautical charting, hydrography and nautical charting, oceanography, and marine technology.

.03 The *National Weather Service* (NWS) shall observe and report the meteorological, hydrological, and ocean conditions of the United States, its possessions, and adjacent waters; issue forecasts and warnings of weather and climate, flood, and physical ocean conditions that affect the Nation's safety, welfare and economy; develop the National Meteorological, Hydrologic and Oceanic Service Systems; provide forecasts for domestic and international aviation and for coastal areas and shipping on the high seas; and operate a tsunami warning system. There shall be six National Weather Service regions, as shown in Exhibit 4, with field stations and forecast centers. A copy of Exhibit 4 is on file with the original of this document in the Office of the Federal Register.

.04 The *Environmental Data and Information Service* (EDIS) shall acquire and disseminate global environmental data (marine, atmospheric, solid earth, and solar-terrestrial) and information tailored to meet the needs of users in commerce, industry, agriculture, the scientific and engineering communities, the general public, and Federal, State, and local governments; provide experiment design, data management, and analysis support to national and international environmental programs; assess the impact of environmental fluctations on food and energy, environmental quality, and telecommunications; manage and/or provide fuctional guidance for NOAA's scientific and technical publication and library activities; operate a network of specialized service centers, a field liaison service, and a comprehensive data and information referral service; and operate related World Data Center A facilities and participate in other international data and information exchange programs.

Section 12. Assistant Administrator for Satellites

The *Assistant Administrator for Satellites* shall administer an integrated program of management, research, and services for the development and use of all civilian satellite-based, earth remote sensing operations. This program shall include the design, development, and operation of a series of civilian satellite systems for the purpose of observing land, ocean, and atmospheric conditions and the sun; stimulating the maximum utilization of the resulting data and information by users in Federal, State, local, and foreign governments, international organizations, and private organizations; and assuring the eventual operation by the private sector of the land remote sensing program by developing appropriate financing, management, pricing, and regulatory arrangements.

.01 The *Office of Assistant Administrator* shall manage and direct the National Earth Satellite Service (NESS). It shall formulate, recommend, and execute basic policies for the

operation of civilian satellite-based earth remote sensing programs, coordinate actions on personnel, organization, budget, and financial management, and provide advice to the Administrator on NOAA's satellite activities. The Office shall direct the formulation of long-range plans, and the design of future satellite-based earth remote sensing systems. It shall serve as the focal point for coordinating Federal policy on these satellite systems and shall develop relations with other domestic, foreign, and international government entities and users of the data and information produced by these satellite systems. The Office shall establish user requirements and priorities, ensure adequate development of data applications, design appropriate institutional and legal mechanisms to facilitate the implementation of Federal policies, and develop mechanisms for system financing and cost recovery.

.02 The *Office of Operations* shall manage and direct the operation of NOAA satellites and the delivery of processed data. The Office shall manage and control the operation of the satellites, the ground stations to receive the satellite data, and the central facilities and field stations to produce and distribute satellite products and services to domestic and foreign users. The Office is responsible for the collection of environmental data from remote platforms and broadcast of data products to remote receiving stations via NOAA satellites. The Office shall provide training and consultation to users regarding the application of data from the NOAA operational satellites, and apply research results to produce new and improved products and services. It shall serve as the primary focal point in NESS for operational coordination with NASA and DoD.

.03 The *Office of Systems Integration* shall conduct system definition and alternative concepts studies, coordinate overall system planning, establish new system performance and cost criteria, ensure the development of major system elements, and integrate them into the operational system. It works closely with the Office of the Assistant Administrator for satellites in the evaluation of user requirements, especially with regard to technical options and potential costs to meet requirements. In accomplishing its mission, the Office uses the technical capabilities of other NESS offices, other NOAA elements, especially ERL, other Federal agencies, particularly NASA and DoD, and industry. The Office shall serve as the principal source of technical advice to the Assistant Administrator and other NESS Office directors on general satellite technology and systems. It shall serve as the primary focal point in NESS for non-operational aspects of space systems coordination with NASA and DoD.

.04 The *Office of System Engineering* shall develop and implement plans and specifications for acquiring the ground equipment necessary to support the command and data acquisition, ground data processing, and data distribution functions of the NESS. As its engineering arm, it supports the Assistant Administrator for Satellites by (a) evaluating new engineering approaches to ground system functions, (b) conducting engineering studies and analyses of requirements for new or modified satellite ground systems, (c) preparing work statements and technical specifications for contracts to industry, and (d) directing and overseeing industry in the technical execution of such contracts, including the design, fabrication, installation, and checkout phases.

.05 The *Office of Research* shall conduct the research needed to permit the continued refinement and improvement of existing satellite products and services and the development of new instruments and techniques, new products or new applications of existing products. The Office shall respond to research requirements placed upon NOAA and NESS and to the needs of the Office of Operations and the Office of Systems Integration. The Office will maintain or arrange for the availability of laboratories, equipment and facilities needed to carry out its mission. The Office will ensure the validation of proposed new remote sensing techniques prior to recommending inclusion in the operational satellite program. As principal focus in NESS for remote sensing research, the Office shall:

a. Ensure adequate liaison with NASA and other government agencies regarding remote sensing research, and associated cooperative programs or special user applications;

b. Provide the primary interface with the academic and international scientific communities for cooperative programs and developments of mutual interest;

c. Maintain cognizance of the state-of-the-art of remote sensing technology and applications; and

d. Provide expertise, technical advice and assistance to the Assistant Administrator and other components of NESS on problems, proposals and new sensing technology.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-30160 Filed 9-30-80; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls and Amending a Level of Restraint for Certain Wool Textile Products From Colombia

September 24, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling women's, girls' and infants' wool coats in Category 435 at the designated consultation level of 5,556 dozen and amending and increasing the level of restraint for women's, girls' and infants' wool suits in Category 444 to the newly established specific ceiling of 4,302 dozen during the agreement year which began on July 1, 1980 and extends through June 30, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463) and August 12, 1980 (45 F.R. 53506).)

SUMMARY: The Governments of the United States and Colombia have exchanged letters dated July 31 and August 20, 1980 amending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 3, 1978, as amended, to establish a specific ceiling for wool textile products in Category 444, produced or manufactured in Colombia, at the increased level of 4,302 dozen during the twelve-month period which began on July 1, 1980. Pursuant to the terms of the bilateral agreement, as amended, the Government of the United States has decided also to control imports of wool textile products in Category 435 at the designated consultation level of 5,556 dozen during the same agreement period.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On July 3, 1980, there was published in the **Federal Register** (45 F.R. 45341) a letter dated June 30, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the

Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Colombia, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on July 1, 1980 and extends through June 30, 1981.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of wool textile products in Categories 435 and 444 in excess of the designated levels of restraint. The level of restraiant established for Category 435 has not been adjusted to account for any imports after June 30, 1980. Imports during July 1980 totaled 1,331 dozen and will be charged to the new level. As the data become available, further charges will be made to account for the period which began on August 1, 1980 and extends to the effective date of this action.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 24, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on June 30, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Colombia.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on Man-Made Fiber Textile Agreement of August 3, 1978, as amended, between the Governments of the United States and Colombia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are hereby directed, effective on October 1, 1980, to amend the directive of June 30, 1980 to prohibit entry for consumption, or withdrawal from warehouse for consumption of wool textile products in Categories 435 and 444, produced or manufactured in Colombia, in excess of the following levels of restraint:

Category	12-month level of restraint [1] (dozen)
435	5,556
444	4,302

[1] The levels of restraint have not been adjusted to reflect any imports after June 30, 1980. Imports in Category 435 totaled 1,331 dozen during July 1980.

Textile products in Category 435 which have been exported to the United States prior to July 1, 1980 shall not be subject to this directive.

Textile products in Category 435 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53506).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Colombia and with respect to imports of wool textile products from Colombia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-30077 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-25-M

Announcing Additional Import Controls on Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Republic of Korea

September 25, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Controlling carded cotton duck in Category 319 and men's and boy's wool suits in Category 443 at the respective levels of restraint of 12,000,000 square yards and 26,704 dozen and (2) increasing the level of restraint previously established for other man-made fiber yarns, wholly of non-cellulosic filament, in Category 604 to 487,805 pounds during the agreement year which began on January 1, 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53502))

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, the two governments have exchanged notes agreeing on the levels of restraint for cotton, wool and man-made fiber textile products in Categories 319, 443 and 604 during the agreement year which began on January 1, 1980.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the **Federal Register** (44 FR 76573) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 604, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In accordance with the terms of the bilateral agreement, as amended, the United States Government has decided also to control imports of textile products in Categories 319 and 443 at the agreed levels, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1980, and is also implementing an agreed increase in the ceiling previously established for Category 604 during the same time period. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption and withdrawal from warehouse for consumption, of textile products in Categories 319, 443 and 604 in excess of the designated levels of restraint. The levels of restraint have not been adjusted to account for imports in categories 319 and 443 after December 31, 1979. Imports in Category 319 during the period January-July 1980 have amounted to 3,143,050 square

yards, and in Category 443, to 13,609 dozen, and will be charged. As the data become available, further charges will be made for the period which began on August 1, 1980 and extends through the effective date of this directive.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 25, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 20, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on September , 1980 and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, to increase the twelve-month level of restraint for man-made fiber textile products in Category 604 to 487,805 pounds.[1] Further, you are directed, effective on October 6, 1980 and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, to prohibit entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton and wool textile products in Categories 319 and 443, produced or manufactured in the Republic of Korea, in excess of the following levels of restraint:

Category	12-mo level of restraint [1]
319	12,000,000 yd.G22
443	26,704 doz.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1979. Imports during the January-July period of 1980 have amounted to 3,143,050 square yards in Category 319 and 13,609 dozen in Category 443

Textile products in Categories 319 and 443 which have been exported to the United States prior to January 1, 1980 shall not be subject to this directive.

Textile products in Categories 319 and 443 which have been released from the custody of the U. S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53506).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necesssary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-30162 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1979. Imports during the January-July period of 1980 have amounted to 3,143,050 square yards in Category 319 and 13,609 dozen in Category 443.

Canceling Import Controls on Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Republic of Korea

September 25, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Canceling the import controls established on cotton, wool and man-made fiber textile products in Categories 314, 320, 331, 350, 410, 459pt., 605, 605pt., 612, 612pt., 614, 631, and 669; 669pt. (tents), 669pt. (fishnets); produced or manufactured in the Republic of Korea and exported to the United States during the agreement year which began on January 1, 1980 and extends through December 31, 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53504))

SUMMARY: In discussions between the Governments of the United States and the Republic of Korea, it has been agreed to establish an export recommendation system pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the two governments which will eliminate the need for further control of these categories by the United States. Accordingly, import controls previously established on Categories 314, 320, 331, 350, 410, 459pt. 605, 612, 614, 631, and 669 are being canceled.

EFFECTIVE DATE: September 25, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles & Apparel, U.S. Department of Commerce, Washington, D.C. 20230. (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the **Federal Register** (44 FR 76573) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea, including Categories 314, 320, 331, 350, 410, 459pt. 605, 612, 614, 631 and 669 which may be entered into the United States for consumption or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to cancel the import controls in effect on the aforementioned categories.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 25, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, effective on January 1, 1980 and for the twelve-month period extending through December 31, 1980, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea in certain designated categories.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23,

1977, as amended between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on September 25, 1980, to cancel the import controls established in the directive of December 20, 1979 for Categories 314, 320, 331, 350, 410, 459pt. (T.S.U.S.A. numbers 770.7510 through 700.7560), 605, 605pt. (T.S.U.S.A. number 316.6020), 612, 612pt. (T.S.U.S.A. numbers 338.3037 and 338.3038), 669, 669pt. (T.S.U.S.A. number 389.6210), 669pt. (T.S.U.S.A. number 355.4560), 614 and 631.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-30161 Filed 9-29-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

National Petroleum Council, Exploration Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Exploration Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Task Group meeting follows:

The Task Group meeting will be on Tuesday, October 7, 1980, starting at 9:00 a.m., 3rd Floor Conference Room, Chevron U.S.A., Inc., 575 Market Street, San Francisco, California.

The tentative agenda for the meeting follows:

1. Review Task Group Assignment from the NPC Committee on Arctic Oil and Gas Resources.

2. Discuss Task Group study approach and individual assignments.

3. Discuss schedule of Task Group.

4. Discuss any other matters pertinent to the overall assignment of the Exploration Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development and Operations, Resource Applications.

September 24, 1980.

[FR Doc. 80-30258 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Task Group meeting follows:

The Task Group meeting will be on Thursday, October 9, 1980, starting at 9:00 a.m., in Room 202, Anaconda Tower, 555 Seventeenth Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Review Task Group Assignment from the NPC Committee on Arctic Oil and Gas Resources.

2. Discuss Task Group study approach and individual assignments.

3. Discuss schedule of Task Group.

4. Discuss any other matters pertinent to the overall assignment of the Resource Assessment Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development and Operations, Resource Applications.

September 24, 1980.

[FR Doc. 80-30259 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-TA-80-02]

Carmel Energy, Inc., Houston, Tex.; Proposed Decision and Order

I. Background

On April 23, 1980, the Economic Regulatory Administration (ERA) issued to Carmel Energy, Inc. (Carmel) an order designating Carmel as a qualified producer under 10 CFR 212.78(e)(2) of a modified in-situ combustion teritiary enhanced recovery project conducted on certain specified properties in Vernon County, Missouri. On May 2 Carmel requested that an additional property be

incorporated in the list of properties covered by ERA's April 23 order.

II. Findings and Analysis

Carmel's May 2 letter requests that the project properties on which its Vernon County projects are located be made to include the Ida-Fauvergue Lease. As a result of drilling several core holes in the project area, Carmel located some good Bluejacket sandstone with high oil saturation in the Ida-Fauvergue Lease. Carmel states that the lease is contiguous with those leases listed in ERA's April 23 Decision and Order. All are located in Township 35 North-Range 33 West in Vernon County, Missouri. We propose to permit Carmel's Vernon County project to include the Ida-Fauvergue Lease among the properties approved for incorporation in its Vernon County Project.

III. Comment Procedures

10 CFR 205.98 requires this Proposed Decision and Order to be published in the **Federal Register** and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA within thirty calendar days from the date of publication in the **Federal Register** of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 5B–180, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 and 4:30 p.m. Monday through Friday (except Federal holidays), and in the Public Affairs Office, Room, B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m. Momday through Friday, (except Federal holidays).

V. Order

Ordering paragraph number 1 of the Decision and Order issued to Carmel Energy, Inc. on April 23, 1980, for its modified in-situ combustion project in Township 35 North-Range 33 West, Vernon County, Missouri is amended by adding the following property to the list of properties in that paragraph:

Ida-Fauvergue Lease—W/2 of Section 33.

Issued in Washington, D.C., on September 23, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-30244 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-02]

Carmel Energy, Inc.; Issuance of Proposed Decision and Order

Notice is herby given that the Economic Regulatory Administration has issued to Carmel Energy, Incorporated (Carmel) a Proposed Decision and Order modifying the Decision and Order issued to Carmel on April 23, 1980. That order was substantially identical with the Proposed Decision and Order published in the **Federal Register** on March 11, 1980 (45 FR 15608). Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register.** A copy is provided below. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issued a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

In addition to the copy supplied below, the Proposed Decision and Order is available in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, James Forrestal Building, Room 5B–180, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on September 23, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-30245 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-05]

Mitchell Energy Corp.; Issuance of Final Decision and Order

On July 18, 1980, the Economic Regulatory Administration issued a Proposed Decision and Order to Mitchell Energy Corporation (Mitchell) that would, pursuant 10 CFR § 212.78, designate Mitchell as a qualified producer and permit Mitchell to recover certain expenses, in addition to those otherwise recoverable under section 212.78(d)(2), incurred by its enhanced oil recovery projects known as Alvord South and Deaver Units both located in Wise County, Texas. The Proposed Decision and Order was Published in the **Federal Register** on July 25, 1980, (45 FR 49637). No comments were received during the prescribed period. Accordingly, a final Decision and Order, Substantially as proposed, has been issued.

A copy of the final Decision Order is available in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday (except Federal holidays), and in the DOE Reading Room, Room 5B–180, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, (except Federal holidays).

Issued in Washington, D.C., on September 23, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-30242 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-029; OFC Cases Nos. 55217-9116-01 Through 10-12]

Olin Corp.; Acceptance of Petition for Exemptions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance of petition for exemptions from the probibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On August 25, 1980, the Olin Corporation (Olin) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order which would exempt ten leased, oil and gas-fired packaged boilers (hereafter oil/gas-fired boilers) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new major fuel burning installations (MFBI's). Pertinent procedures and criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published

respectively on June 6, 1980 at 45 FR 38276 and 38302.

Olin initially filed its petition with ERA on August 11, 1980. By letter dated August 19, 1980, ERA notified Olin of certain deficiencies which made its petition incomplete. On August 25, 1980, Olin filed a revised petition with ERA that corrected the noted defects.

Under the provisions of 10 CFR 503.43(c), Olin has petitioned for ten separate scheduled equipment outages exemptions, one for each oil-gas-fired boiler it proposes to lease and use annually for the years 1980 through 1989 at its Ecusta Paper and Film Group, Pisgah Forest, North Carolina, facility during the annual scheduled outage of its largest main boiler for inspection, maintenance and repair. Each oil/gas-fired boiler will be used to supply steam to Olin's manufacturing operations while the largest main boiler is shutdown.

ERA's decision in this proceeding will determine whether Olin will be granted the requested scheduled equipment outages exemptions to use petroleum or natural gas as a primary energy source in ten oil/gas-fired boilers during annual scheduled shut-downs of its largest main boiler over the years 1980 through 1989.

ERA has determined that Olin's petition is complete and it is accepted as filed in accordance with 10 CFR 501.3(d). A review of the petition is provided in the Supplementary Information section below.

As provided for in Section 701 (c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before November 14, 1980. A request for public hearing must also be made within the same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA–FC–80–029 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128–J, Washington, D.C. 20461, Phone (202) 653–4226.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128–M, Washington, D.C. 20461, Phone (202) 653–4257.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6G–087, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA.

Prior to the filing of its petition, representatives of Olin met with ERA at a prepetition conference on December 17, 1979, at which Olin discussed its past and intended future use of leased, oil/gas-fired boilers during periods of scheduled equipment outages at its Pisgah Forest, North Carolina, facility. A question was raised at the prepetition conference concerning the applicability of the permanent scheduled equipment outages exemption to permit the annual use of leased oil/gas-fired boilers during periods of scheduled outages. By letter dated April 15, 1980, Olin was advised by ERA that under Section 212(j) of FUA, ERA's authority to grant an exemption for scheduled equipment outages is unit-specific; that is, a permanent exemption may be granted by order for a single installation, permanently exempting that individual unit from applicable prohibitions of FUA. Accordingly, Olin was advised that to petition for exemption for the use of a series of leased, oil/gas-fired boilers, it would be required to seek a separate exemption for each such unit. To provide Olin with greater long-term certainty in meeting scheduled outages, ERA also advised in that letter that it would permit Olin to file a petition for up to ten exemptions, which could cover scheduled outages of its main boilers for a period of up to ten years.

Pursuant to the provisions of 10 CFR 503.43(c), Olin has petitioned ERA for ten scheduled equipment outages exemptions to permit the use of ten oil/gas-fired packaged boilers during the annual scheduled shut-down of its largest main boiler during the years 1980 through 1989. As stated by Olin in its petition, each of the packaged boilers will be of equivalent size, with a maximum design heat input rate requirement of 155 million Btu's per hour, and will be equipped with a combination burner for No. 2 fuel oil and natural gas. Natural gas will be the preferred fuel when it is available.

10 CFR 503.43(c) provides for a certification alternative if the use of a proposed unit for scheduled equipment outages is not to exceed an average of 28 days per year over a three year period. Olin has utilized the certification alternative, and has included in its petition the following duly executed certifications, for each of the ten requested exemptions:

(1) Its routine maintenance schedule does not permit, or could not be adjusted to permit continuing production or other activity carried on at its Pisgah Forest facility unless ERA grants this exemption;

(2) The use of the proposed unit will not exceed an average of 28 days per year over a three year period;

(3) The unit will be used only during those periods when other units are not in operation for reason of scheduled outage in accordance with a schedule of operation submitted simultaneously which contains an estimate of the annual number of days used and fuel consumed. (Such schedule of of operation was filed by Olin with its petition.);

(4) Use of a mixture of petroleum or natural gas and an alternate fuel is not commercially and technically feasible;

(5) Pursuant to 10 CFR 503.15(b), Olin will, prior to operating the unit under the exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Resource Conservation and Recovery Act: and

(6) Information required by the Environmental Checklist pursuant to 10 CFR 503.15(b).

Additionally, Olin has duly certified that it agrees, upon grant of each of the requested ten exemptions, to the following terms and conditions specified in 10 CFR 503.43(d):

(1) The MFBI will only be operated for use necessary to meet scheduled equipment outages;

(2) Use of the MFBI will not exceed an average of 28 days per year over a three-year period.

(3) All steam pipes must be insulated and all steam traps properly maintained.

(4) The quality of any petroleum to be burned in the installation as a primary energy source will be of the lowest grade available which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(5) It will comply with any terms and conditions which may be imposed pursuant to environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that Olin's petition for exemptions for the ten leased, oil/gas-fired package boilers it proposes to use sequentially for annual scheduled equipment outages during the years 1980 through 1989 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d),

acceptance of a petition and its supporting documents does not constitute or even suggest an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. However, failure to provide the additional information could ultimately result in the denial of the request for exemption.

A public file containing documents on this proceeding is available for inspection upon request at: Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.–4:30 p.m.

Issued at Washington, D.C. on September 19, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-30266 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

Petro-Lewis Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: August 28, 1980.

COMMENTS BY: December 1, 1980.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado, 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado, 80226, telephone (303) 234–3195.

SUPPLEMENTARY INFORMATION: On August 28, 1980, the Office of Enforcement of the ERA executed a Consent Order with Petro-Lewis Corporation (Petro-Lewis) of Denver, Colorado. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, ordinarily becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Petro-Lewis is a firm that acquired an ownership interest in three (3) plants that process natural gas and is engaged in the sale of condensate, natural gas liquids (NGL's) and natural gas liquid products (NGLP's), and is subject to the Mandatory Petroleum Price 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 sales of condensate, natural gas liquids and natural gas liquid products, the Office of Enforcement, ERA, and Petro-Lewis, entered into a Consent Order, the significant terms of which are as follows:

1. Petro-Lewis, as successor in interest, is a "gas plant owner" as defined by 10 CFR 212.162 of the three (3) natural gas processing plants acquired on August 16, 1977.

2. The period covered by the Consent Order is August 19, 1973 through June 30, 1980.

3. During the peirod August 19, 1973 through June 30, 1980 the pricing of NGL's NGLP's and condensate sales was controlled under Cost of Living Council regulations (6 CFR 150.1 *et seq.*) and successor regulations (10 CFR 2121.1 *et seq.*), hereinafter referred to as the "DOE" regulations.

4. As a result of its audit of the operations of the subject natural gas processing plants, the ERA alleged that certain volumes of condensate (crude oil) from subject plants were sold in violation of the ceiling price rule contained in 10 CFR 212.73 (previously 6 CFR 150.354, as amended). the ERA also alleged that certain sales of NGL's and NGLP's from subject plants were in violation of 10 CFR 212.83, 212.163 and 212.164 (previously 6 CFR 150.355 and 150.358).

5. Petro-Lewis desires to resolve all disputes arising from the ERA's audit concerning compliance with all applicable pricing rules and regulations of the DOE pertaining to the sale of condensate (crude oil), NGL's and NGLP's from subject natural gas processing plants for the period August 19 through June 30, 1980, without any further formal compliance proceeding or litigation. Similarly, the DOE desires to resolve such disputes by entering into this Consent Order, which it believes to be in the public interest. Therefore, in order to resolve this matter, the DOE and Petro-Lewis have agreed to a settlement in the amount of $5,900,000 plus $100,000 in civil penalties.

6. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Petro-Lewis 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 covered by this Consent Order, the sum of $5,900,000 on or before 10 days following the effective date of this Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not 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: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado, 80226. You may obtain a free copy of this Consent Order by writing to the same address or by calling (303) 234–3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on documents you submit with the designation, "comments on Petro-Lewis Corp., Consent Order." We will consider all comments received by 4:30 p.m., local time, on December 1, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Lakewood, Colorado, on the 28th day of August, 1980.

Kenneth E. Merica,

District Manager, Rocky Mountain District of Enforcement, Economic Regulatory Administration.

Concurrence:

Charles F. Dewey,

Regional Counsel.

[FR Doc. 80-30241 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-030]

Terra Chemicals International, Inc.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On August 22, 1980, Terra Chemical International, Inc. (Terra), P.O. Box 1828, Sioux City, Iowa 51103, filed an application pursuant to 10 CFR Part 595 for recertification of an eligible use of approximately 3,500 Mcf of natural gas per day, when available, to displace 2,500,000 gallons (59,524 barrels) of No. 2 fuel oil per year at its Port Neal Plant located in Port Neal, Iowa, with the Administrator of the Economic Regulatory Administration (ERA). The certificated daily volumes are only expected to be available on an intermittent basis. The eligible seller of the natural gas is Centennial Gas Corporation and Terra is negotiating for transportation of this gas with Northern Natural Gas Company, the Colorado Interstate Gas Company, the Western Slope Gas Company, and the Iowa Public Service Company. Notice of that application was published in the **Federal Register** (45 FR 59380, September 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 October 2, 1979, Terra received the original certification (ERA Docket No. 79–CERT–088) of an eligible use of natural gas purchased from Centennial Gas Corporation, and Yates Drilling Company and Martin Yates III for use at these facilities for a period of one year. The original certificate expires on October 1, 1980. Terra has requested the recertification only to include Centennial Gas Corporation as an eligible seller.

The ERA has carefully reviewed Terra's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Terra's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA Docket Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., September 23, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80-30243 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

TNT, Inc., Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to TNT, Inc. This Proposed Remedial Order charges TNT, Inc. with pricing violations in the amount of $65,305.69, connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR 21, Subpart D during the time period December 1, 1973 through November 30, 1975 in the State of Louisiana.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7745. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 23rd day of September, 1980.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 80-30239 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2756]

Burlington Electric Department; Notice Granting Intervention

September 22, 1980.

The Attorney General of the State of Vermont has filed a petition to intervene respecting the application of the Burlington Electric Department for a license to construct and operate the proposed Chace Mill Project No. 2756.

The Attorney General states that (1) the Attorney General is authorized to represent the State in all matters, (2) the State's interests are not precisely co-extensive with the interests of any other intervenor, and (3) the Attorney General has the power to speak for the State regarding legal issues pertaining to consumer questions, environment issues, and questions concerning interpretation of the laws of the State of Vermont.

Pursuant to § 375.302 of the Commission's regulations, 45 Fed. Reg. 21216 (1980), *amending* 18 CFR 3.5(a) (1979), the State of Vermont is permitted to intervene in this proceeding subject to the Commission's Rules and Regulations under the Federal Power Act. Participation of the Intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene. The admission of the Intervenor shall not be construed as recognition by the

Commission that it might be aggrieved by any order entered in this proceeding.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30131 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC80-9]

CP National Corp. and Utah Power & Light Co.; Application

September 22, 1980.

The filing Company submits the following:

Take notice that on September 5, 1980, CP National Corporation (CP) and Utah Power & Light Company (UP&L) filed a joint application pursuant to Section 203 of the Federal Power Act for authorization for CP to sell, and UP&L to buy, CP's electric properties in southern Utah and Fredonia, Arizona.

CP is incorporated in the State of California and is engaged in the electric, telephone, natural gas distribution and water utility business in parts of Arizona, California, Nevada, Oregon and Utah.

UP&L is a Utah corporation and is principally engaged in the generation, transmission and distribution of electric energy in parts of Idaho, Utah and Wyoming.

CP proposes to sell to UP&L its electric system in southern Utah and Fredonia, Arizona, which serves approximately 10,000 customers and consists of several small generating facilities approximately 418 miles of transmission line ranging from 34.5 to 230 kv, and distribution facilities. The purchase price is $20 million, with adjustments as of the closing date.

Under the CP/UP&L Agreement of Purchase and Sale, UP&L will assume and perform all contracts and other agreements relating to the electric system to which CP is a party as of the closing date. UP&L will serve all of CP's existing customers after the closing date. The CP/UP&L Agreement requires all necessary regulatory approvals prior to closing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission 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 must file a petition to intervene.

Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30132 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-517]

Cities Service Gas Co.; Application

September 23, 1980.

Take notice that on August 27, 1980, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-517 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap on its 16-inch transmission pipeline in Sedgwick County, Kansas, and measuring, regulating, and appurtenant facilities as an additional town meter site in North Wichita, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap its 16-inch pipeline presently serving Kansas Gas and Electric Company's Gordon Evans plant near Wichita and construct and operate metering and appurtenant facilities to sell gas to The Gas Service Company (Gas Service) as an additional town border for resale in North Wichita, Kansas.

Applicant proposes to locate the tap approximately 8.2 miles from the beginning of the existing 16-inch pipeline in the northwest section of Gas Service's Wichita distribution area, which it states has undergone rapid development and requires an additional supply of gas. It is asserted that peak day deliveries through this tap for the third year of operation are approximately 3,800 Mcf and that Gas Service anticipates deliveries would eventually reach 5,000 Mcf per day.

Applicant estimates that the cost of tapping the 16-inch pipeline and installing a new meter setting as an additional town border station would be $29,640 which would be reimbursed by Gas Service. Because, Applicant states, it would save considerable amounts of money by utilizing existing facilities, Applicant requests authorization to include the depreciated value of this 8.2-mile portion of the existing 16-inch pipeline in its rate base in all future rate filings. This facility was previously excluded from the rate base by order issued in Docket No. CP67-150 (37 FPC 522), it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1980, file with the Federal Energy Regulatory Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30133 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3309]

Arthur E. Cohen; Application for Preliminary Permit

September 22, 1980.

Take notice that Arthur E. Cohen (Applicant) filed on August 11, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3309 to be known as the Nash Mill Project located on the Ashuelot River in Cheshire County, New

Hampshire. Correspondence with the Applicant should be directed to: Mr. Arthur E. Cohen, 44 Hanover Street, Keene, New Hampshire 03431.

Project Description—The proposed project would consist of: (1) the Nash Mill Dam, a 9-foot high and approximately 115-foot long rockfill dam built in the late 1800's and creating no significant pondage; (2) a small 20-foot square powerhouse containing a 250-kW generating unit; (3) and 1800-foot long penstock leading to the powerhouse and providing up to 55 feet of head and; (4) appurtenant facilities.

Applicant estimates that annual generation would average 1,000,000 kWh.

Purpose of Project—Project energy would be sold to the public Service Company of New Hampshire.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $10,000.

The proposd term of the requested permit is 24 months.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *November 28, 1980,* either the competing application itself or a notice of intent to file a competing application no later than *January 27, 1981.* Submission of a timely notice of intent allows an interested person to file the competing application no later than *January 27, 1980.* A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest of 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 *November 28, 1980.* The Commission's address is: 825 North Capitol St., NE., Washington, D.C. 20426. The application if on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Fr Doc. 80-30134 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 286]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 24, 1980.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission October 14, 1980.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
**********OHIO DEPARTMENT OF NATURAL RESOURCES**********								
-AMERICAN PETROEL INC					RECEIVED: 09/08/80 JA: OH			
8056402		3416725302	103		GORDON L HARMON #1	BARLOW	12.0	
8056403		3416725303	103		GORDON L HARMON #2	BARLOW	12.0	
-BELDEN & BLAKE & CO 74					RECEIVED: 09/08/80 JA: OH			
8056376		3415123259	103		C & N LEVENGOOD COMM #1-963	SUGARCREEK	36.5	
8056375		3415123247	103		K & H ZELLERS COMM #4-946	LAKE	36.5	
-BUCKHORN OIL COMPANY INC					RECEIVED: 09/08/80 JA: OH			
8056364		3407522546	103		GERBER #1	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8056365		3407522550	103		KEIM #1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
-CALLANDER & KIMBREL INC					RECEIVED: 09/08/80 JA: OH			
8056367		3408923848	103		C & M PRIEST #1	MADISON	6.0	
-DORSET DRILLING CO INC					RECEIVED: 09/08/80 JA: OH			
8056347		3400721219	103		NEWCOMB #1	LENOX	25.0	JONES & LAUGHLIN STE
8056346		3400720994	103		WHITE #2	LENOX	25.0	JONES & LAUGHLIN STE
-ENTERPRISE GAS & OIL INC					RECEIVED: 09/08/80 JA: OH			
8056373		3412724781	103		BICE #2	JACKSON	36.5	COLUMBIA GAS TRANSMI
8056374		3415123223	103		SCHNEIDER #1-8	MARLBORO	36.5	MB OPERATING CO INC
-FORTUNE GAS AND OIL INC					RECEIVED: 09/08/80 JA: OH			
8056372		3412122347	103		NEELY-HUGHES #1	JACKSON	30.0	EAST OHIO GAS CO
-GUERNSEY PETROLEUM CORPORATION					RECEIVED: 09/08/80 JA: OH			
8056384		3411923586	108		HARVEY WICKHAM #1-E	CLINTON	8.0	EAST OHIO GAS CO
8056381		3405922413	108		MATHERS #1ME		4.0	EAST OHIO GAS CO
8056386	56386	3412121841	108		OHIO POWER #5-MB	CLINTON	14.0	EAST OHIO GAS CO
8056385		3411923828	108		OHIO POWER 15MC	CLINTON	14.0	EAST OHIO GAS CO
8056380		3405922326	108		TOBIN-GEORGE-HOLLINGSWORTH #1ME		13.0	EAST OHIO GAS CO
8056387		3412121979	108		WINKLEMAN #4-MD	CLINTON	14.0	EAST OHIO GAS CO
-HARRY I GILBERT					RECEIVED: 09/08/80 JA: OH			
8056399		3415320427	108		HARRY I & ALFREDA M GILBERT #6	CLINTON	3.8	EAST OHIO GAS CO
-IRVIN PRODUCING COMPANY					RECEIVED: 09/08/80 JA: OH			
8056396		3412724125	108		GAZEL TOKIE #1	CLINTON	0.9	COLUMBIA GAS TRANSMI
8056388		3412723176	108		LECKRONE #2	CLINTON	1.0	COLUMBIA GAS TRANSMI
8056405		3412723240	108		LECKRONE #3	CLINTON	1.0	COLUMBIA GAS TRANSMI
8056397		3412724304	108		LECKRONE #4	CLINTON	1.0	COLUMBIA GAS TRANSMI
8056392		3412723467	108		MAXWELL # A-2	CLINTON	2.2	COLUMBIA GAS TRANSMI
8056389		3412723527	108		MAXWELL #A-4A	CLINTON	2.2	COLUMBIA GAS TRANSMI
8056391		3412723562	108		MAXWELL #B-1	CLINTON	2.3	COLUMBIA GAS TRANSMI
8056390		3412723561	108		MAXWELL #B-2	CLINTON	2.3	COLUMBIA GAS TRANSMI
8056393		3412723594	108		MAXWELL #B-3	CLINTON	2.3	COLUMBIA GAS TRANSMI
8056394		3412723595	108		MAXWELL #B5	CLINTON	2.3	COLUMBIA GAS TRANSMI
8056395		3412723610	108		MAXWELL #B6	CLINTON	2.3	COLUMBIA GAS TRANSMI
-JAMES R BERNHARDT					RECEIVED: 09/08/80 JA: OH			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8056383		3410322191	103		STROUP - BETHEL WELL #2	GRANGER	0.0	COLUMBIA GAS TRANSMI
-JEFFERY & MORAN					RECEIVED: 09/08/80 JA: OH			
8056366		3408923843	103		J B & S V PEROZEK #1	EDEN	20.0	
-JERRY C OLDS					RECEIVED: 09/08/80 JA: OH			
8056349		3403123932	103		OSBORN #3	PERRY	8.0	NATIONAL GAS & OIL C
-JOHN C HARDN					RECEIVED: 09/08/80 JA: OH			
8056363		3407522511	103		LESTER ERB #2	MECHANIE	18.0	COLUMBIA GAS TRANS C
-K B T OIL & GAS CO INC					RECEIVED: 09/08/80 JA: OH			
8056398		3413322303	103		FEAR #2	CLINTON	35.0	
-KENOIL					RECEIVED: 09/08/80 JA: OH			
8056404		3416922325	103		ROBERT PRINDLE #1	CANAAN	9.4	COLUMBIA GAS TRANSMI
-KRAMER EXPLORATION CO					RECEIVED: 09/08/80 JA: OH			
8056370		3410521938	103		GEORGE CARPER #3	BEDFORD	5.4	COLUMBIA GAS TRANSMI
8056358		3405320535	103		R C BAYLOR #2 (SEC 17)	ADDISON	5.4	COLUMBIA GAS TRAN CO
8056359		3405320537	103		R C BAYLOR #3 (SEC 17)	ADDISON	5.4	COLUMBIA GAS TRANSMI
-PETE MILLER					RECEIVED: 09/08/80 JA: OH			
8056371		3411925273	103		WILLIAM & ELOISE MILLER #1	HOPEWELL	8.0	
-PETROLEUM ENERGY PRODUCING CORP					RECEIVED: 09/08/80 JA: OH			
8056377		3400720310	108		D & E LUTZ #1	LENOX	3.0	EAST OHIO GAS CO
8056348		3400721222	103		E & E ZGRABIK #2	HARTSGROVE	50.0	COLUMBIA GAS OF OHIO
8056378		3400720402	108		JEPSON UNIT #1	LENOX	8.0	EAST OHIO GAS CO
-R GENE BRASEL DBA BRASEL & BRASEL					RECEIVED: 09/08/80 JA: OH			
8056353		3405320417	103		BRADBURY-QUEEN #1	ADDISON	1.5	COLUMBIA GAS TRANSMI
8056361		3405320547	103		C WILLIAM PRICE #2	CHESHIRE	1.5	COLUMBIA GAS TRANSMI
8056362		3405320548	103		C WILLIAM PRICE #3	CHESHIRE	1.0	COLUMBIA GAS TRANSMI
8056354		3405320496	103		CLARENCE BOSTER #1	ADDISON	1.0	COLUMBIA GAS TRANSMI
8056351		3405320385	103		FRALEY-STALEY #1	ADDISON	2.0	COLUMBIA GAS TRANSMI
8056350		3405320375	103		G E CURNUTTE #1	ADDISON	1.0	COLUMBIA GAS TRANSMI
8056355		3405320497	103		HAROLD NOTTER #1	ADDISON	2.0	COLUMBIA GAS TRANSMI
8056356		3405320499	103		JAMES FRALEY #1	ADDISON	1.5	COLUMBIA GAS TRANSMI
8056379		3405320542	103		JOSEPH D WILLS #1	CHESHIRE	2.0	COLUMBIA GAS TRANSMI
8056352		3405320400	103		ROBERT J FREEMAN #1	CHESHIRE	1.0	COLUMBIA GAS TRANSMI
8056360		3405320543	103		RONIAL JIVIDEN #2	CHESHIRE	2.0	COLUMBIA GAS TRANSMI
8056357		3405320511	103		STELLA PEARL ARNOLD #1	ADDISON	2.0	COLUMBIA GAS TRANSMI
-RESOURCE EXPLORATION INC					RECEIVED: 09/08/80 JA: OH			
8056401		3415721567	108		R LINT #1		0.0	AMERICAN ENERGY SERV
8056382		3406720126	108		SHUSS #4		6.0	AMERICAN ENERGY SERV
8056400		3415721492	108		STOCKER #1		3.0	AMERICAN ENERGY SERV
-SHAWNEE OIL & GAS CO					RECEIVED: 09/08/80 JA: OH			
8056369		3410521892	103		ARCHIE STEGALL #1	BEDFORD	3.0	COLUMBIA GAS TRANSMI
8056368		3410521891	103		KENNETH CHANEY #1	BEDFORD	3.0	COLUMBIA GAS TRANSMI
**********								
OKLAHOMA CORPORATION COMMISSION								
**********								
-AMOCO PRODUCTION CO					RECEIVED: 09/08/80 JA: OK			
8056251	05643	3504530193	108		NICHOLSON UNIT B #1	MILDER	20.7	NORTHERN NATURAL GAS
-ANDOVER OIL COMPANY					RECEIVED: 09/08/80 JA: OK			
8056341	05158	3504721944	103		HAMM #26-1	SOONER TREND	100.0	PANHANDLE EASTERN PI
8056339	05160	3504721945	103		HAMM #26-2	SOONER TREND	100.0	PANHANDLE EASTERN PI
8056342	05157	3504721946	103		ROBINETT #26-1	SOONER TREND	100.0	PANHANDLE EASTERN PI
8056340	05159	3504721947	103		ROBINETT #26-2	SOONER TREND	0.0	PANHANDLE EASTERN PI
8056317	05258	3501721348	102	D	SEIGRIST #9-1	WILDCAT	185.0	DELMI GAS PIPELINE C

JD NO	JA DKT	API NO	SEC	D WELL NAME		
*APACHE CORPORATION				RECEIVED: 09/08/80 JA: OK		
8056249	04698	3512920347	103	DEPARTMENT OF WILDLIFE #1-1		
8056324	08133	3500920337	107	K C CATTLE #1-11		
*ARKLA EXPLORATION COMPANY				RECEIVED: 09/08/80 JA: OK		
8056288	04697	3503920215	103	LEONARD #2-24		
*BLUE QUAIL ENERGY INC				RECEIVED: 09/08/80 JA: OK		
8056297	05101	3501721205	103	RAMSEY #1		
*CHAMPLIN PETROLEUM COMPANY				RECEIVED: 09/08/80 JA: OK		
8056239	05074	3500300000	108	M WEBER UNIT NO 1		
8056238	05075	3500300000	108	L L PRENTICE #2		
8056245	04980	3500700000	108	M J ALBERT A NO 1		
*CHOCTAW GAS CO				RECEIVED: 09/08/80 JA: OK		
8056240	05058	3512100000	108	DANIEL		
8056241	05055	3512100000	108	S CARNEY NO 2		
*CLEMENTS EXPLORATION CO				RECEIVED: 09/08/80 JA: OK		
8056231	05150	3508320889	103	BOZARTH NO 1-A		
*COTTON PETROLEUM CORPORATION				RECEIVED: 09/08/80 JA: OK		
8056263	05004	3513921181	103	MAYER B #1		
*DAVIS OIL COMPANY				RECEIVED: 09/08/80 JA: OK		
8056295	05120	3501720724	102	D BOSTON-RADER NO 1		
*ECC OIL CO				RECEIVED: 09/08/80 JA: OK		
8056330	05209	3514721074	103	REYNOLDS #3		
*ENERGY RESERVES GROUP INC				RECEIVED: 09/08/80 JA: OK		
8056275	04092	3500721576	103	MARY BARTH A #2		
*F C D LTD				RECEIVED: 09/08/80 JA: OK		
8056303	04461	3504721858	103	MILLER UNIT 1-13		
*FERGUSON OIL & GAS COMPANY INC				RECEIVED: 09/08/80 JA: OK		
8056298	05035	3509321715	103	LOVELL #2		
*FUNK EXPLORATION INC				RECEIVED: 09/08/80 JA: OK		
8056266	04768	3515320962	103	COX #1		
8056268	04667	3507322263	103	KOLLER #1		
8056264	04815	3500721726	103	POTTER #3		
*GEORGE P POST DBA POST PETROLEUM CO				RECEIVED: 09/08/80 JA: OK		
8056246	04904	3502720297	103	PEGGY #1		
*GETTY OIL COMPANY				RECEIVED: 09/08/80 JA: OK		
8056322	04015	3513721977	103	NICHOLS A NO 2		
*GUY M STEELE JR				RECEIVED: 09/08/80 JA: OK		
8056325	07518	3515120099	108	FAIR #1		
*HARPER OIL COMPANY				RECEIVED: 09/08/80 JA: OK		
8056301	04492	3509300000	108	ALLEN #2		
8056299	04491	3509300000	108	BOWMAN #1		
8056229	05152	3509321724	103	DEHAAS NO 1		
8056230	05151	3507322334	103	GAYLEN #2		
*HAYMAKER FARMS LTD				RECEIVED: 09/08/80 JA: OK		
8056252	04629	3501700000	103	MAIER-HAYMAKER #1-4		
*HOLDEN ENRGY CORP				RECEIVED: 09/08/80 JA: OK		
8056292	03982	3501921863	103	DUMAS #1		
8056291	03983	3501921826	103	DUNLAP-VAN EATON		
8056254	03981	3501900000	103	NIPP #1		
*JOSEPH I O'NEIL JR				RECEIVED: 09/08/80 JA: OK		
8056257	04682	3500721083	108	BAGGERLY #1		
8056289	04691	3504520413	108	SUTTER #1		

FIELD NAME	PROD	PURCHASER
SOUTH WEST CHEYNNE (RED	0.0	EL PASO NATURAL GAS
ATOKA	1.8	MICHIGAN-WISCONSIN P
WEATHERFORD	200.0	ARKANSAS LOUISIANA G
YUKON FIELD-C SW/4 SE/4	730.0	PHILLIPS PETROLEUM C
CHANCY DELL	11.0	CHAMPLIN PETROLEUM C
E CHANCY DELL	5.0	CHAMPLIN PETROLEUM C
N W KNOWLES	1.8	COLORADO INTERSTATE
FEATHERSTON	6.6	SE TRANSMISSION & CO
FEATHERSTON	14.3	SE TRANSMISSION & CO
N E RUSSELL	35.0	EASON OIL CO
GUYMON-HUGOTON	72.0	PHILLIPS PETROLEUM C
SKINNER	30.0	PHILLIPS PETROLEUM C
OGLESBY GAS	106.9	OKAN GAS CO
IVANHOE	180.0	NORTHERN NATURAL GAS
SOONER TREND	0.0	UNION TEXAS PETROLEU
N W OKEENE	30.0	MICHIGAN-WISCONSIN P
NW CEDARDALE	234.0	NATURAL GAS PIPELINE
SOONER TREND	32.0	CONOCO INC
NW GREENOUGH	325.0	PANHANDLE EASTERN PI
MOORE	0.0	SUN GAS CO
SHO-VEL-TUM	98.0	GETTY OIL CO NATURAL
N E WAYNOKA	3.1	PANHANDLE EASTERN PI
RINGWOOD	7.0	TRANSOK PIPE LINE CO
RINGWOOD	7.0	PHILLIPS PETROLEUM C
SOONER TREND	55.0	PHILLIPS PETROLEUM C
SOONER TREND	730.0	PHILLIPS PETROLEUM C
YUKON	0.0	
SOUTH WILSON	75.0	AMINOIL USA INC
SOUTH WILSON	75.0	AMINOIL USA INC
EAST JOINER CITY	75.0	OKLAHOMA NATURAL GAS
COMO	15.5	MICHIGAN WISCONSIN P
FARGO	18.0	PANHANDLE EASTERN PI

JD NO	JA DKT	APT NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
=J D WRATHER JR				RECEIVED: 09/08/80 JA: OK			
*8056276	02905	3510900000	108	D DAVIS 1-A	WEST EDMOND	39.0	PHILLIPS PETROLEUM C
=J M HUBER CORPORATION				RECEIVED: 09/08/80 JA: OK			
8056302	04475	3504520735	103	POINDEXTER B NO 2	SOUTHEAST GAGE	45.0	ONG WESTERN INC
=JIM L HANNA DBA HANNA OIL AND GAS C				RECEIVED: 09/08/80 JA: OK			
8056259	04254	3507920329	103	RACE TRACK NO 1	S W SPIRO	75.0	ARKANSAS LOUISIANA G
=KAISER-FRANCIS OIL COMPANY				RECEIVED: 09/08/80 JA: OK			
8056306	03951	3501720901	103	CAMPBELL #1	E LOOKEBA	274.0	ARKANSAS-LOUISIANA G
8056293	05144	3505920850	103	COOK #2	WILDCAT	182.0	NORTHERN NATURAL GAS
=KETAL OIL PRODUCING CO				RECEIVED: 09/08/80 JA: OK			
8056333	05169	3511920796	103	LEACH A #1	S RAMSEY	37.0	CORPENING GAS SYSTEM
=L G WILLIAMS OIL COMPANY INC				RECEIVED: 09/08/80 JA: OK			
8056294	05128	3501721190	103	LUDWIG 28-2	NORTH CONCHO	158.2	PHILLIPS PETROLEUM C
8056247	04807	3501721176	103	VASICEK #29-1	WEST YUKON	106.0	PHILLIPS PETROLEUM C
=LADD PETROLEUM CORPORATION				RECEIVED: 09/08/80 JA: OK			
8056321	05153	3504721825	103	CLICK NO 4	N E ENID	90.0	CITIES SERVICE GAS C
8056337	05154	3504721830	103	HOPWOOD B NO 2	N E ENID	68.0	CITIES SERVICE GAS C
8056282	05140	3509321704	103	LAW #3	RINGWOOD	0.0	
8056280	05142	3504721832	103	POWELL NO 2	N E ENID	123.0	CITIES SERVICE GAS C
8056281	05141	3504721738	103	PRALLE NO 1	N E ENID	109.5	CITIES SERVICE GAS C
8056323	00597	3504700000	108	RANDOLPH-HOPWOOD #1	ENID	0.0	CITIES SERVICE GAS C
=LUBELL OIL CO				RECEIVED: 09/08/80 JA: OK			
8056334	05168	3512120694	103	LUBELL NO 1-29 THORNAL	ULAN	0.0	
=MARK GANER OIL & GAS				RECEIVED: 09/08/80 JA: OK			
8056319	04766	3507100000	103	BRAWNER #2	NEVA	14.0	EUFUALA ENTERPRISES
=MUSTANG PRODUCTION CO.				RECEIVED: 09/08/80 JA: OK			
8056274	04192	3501120917	103	STATE #1-36	S E FAY	100.0	OKLAHOMA GAS & ELECT
=NATIONAL OIL COMPANY				RECEIVED: 09/08/80 JA: OK			
8056290	04690	3515320901	103	MILLER #1	CEDARDALE NORTHWEST	300.0	NORTHERN NATURAL GAS
=NATURAL GAS ANADARKO INC				RECEIVED: 09/08/80 JA: OK			
8056269	04657	3500721650	103	MILLIKAN TRUST #1-24(TONKAWA)	MOCANE-LAVERNE	90.0	MICHIGAN WISCONSIN
8056270	04656	3500721650	103	MILLIKAN TRUST #1-24(MORROW)	MOCANE-LAVERNE	30.0	MICHIGAN WISCONSIN
=P-T III LTD				RECEIVED: 09/08/80 JA: OK			
8056242	05025	3504700000	103	FELBER 16-2	SOONER TREND	109.5	WELLHEAD ENTERPRISES
8056244	05023	3504700000	103	GABRIEL 21-1	SOONER TREND	109.5	WELLHEAD ENTERPRISES
8056243	05024	3504700000	103	HOUSKA 32-1	SOONER TREND	109.5	WELLHEAD ENTERPRISES
=PAN EASTERN EXPLORATION COMPANY				RECEIVED: 09/08/80 JA: OK			
8056284	04581	3513920967	103	ALLENDER 4-7	CAMRICK - C SW SW SEC 7-	195.0	PANHANDLE EASTERN PI
8056300	04582	3513921206	103	ELROD 1-24	GUYMON-HUGOTON-C SE SEC	26.0	PANHANDLE EASTERN PI
8056285	04580	3513920978	103	USA #1	CAMRICK - C SW SEC 29-3N	119.0	PANHANDLE EASTERN PI
=PERRY OIL CO				RECEIVED: 09/08/80 JA: OK			
8056261	05139	3509321417	103	KLIEWER #1	RINGWOOD	121.0	PHILLIPS PETROLEUM C
8056329	05219	3504721969	103	PITMAN #1	SOONER TREND	140.0	PANHANDLE EASTERN PI
8056283	05067	3504721470	103	SKAGGS #1 (HELEN #1)	WAUKOMIS	55.0	UNION TEXAS PETROLEU
=PETROLEUM CORPORATION OF TEXAS				RECEIVED: 09/08/80 JA: OK			
8056318		3513900000	108	D KENNEDY B #1	HUGOTON	21.0	NORTHERN NATURAL GAS
=PHILLIPS PETROLEUM COMPANY				RECEIVED: 09/08/80 JA: OK			
8056253	05127	3501720755	103	DANNEHL E #1	N W PIEDMONT	0.0	OKLAHOMA GAS & ELECT
8056235	05123	3501720749	103	EISCHEN A #1	N W RICHLAND	0.0	OKLAHOMA GAS & ELECT
8056256	04692	3513900000	108	LAMOTTE NO 1	GUYMON HUGOTON	21.0	MICHIGAN WISCONSIN P
8056260	05121	3501721035	103	MACH - C NO 1	YUKON	161.0	PANHANDLE EASTERN PI
8056304	04393	3513921000	103	MCFADDEN NO 2	S GUYMON	40.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8056236	05122	3501720725	103		MERRELL A #1	N W RICHLAND	0.0	OKLAHOMA GAS AND ELE
8056255	05125	3501720687	103		NIEMANN C #1	N W RICHLAND	0.0	OKLAHOMA GAS & ELECT
8056262	05116	3501720727	103		PETTIGREW A #1	UNION CITY	0.0	TRANSOK PIPELINE CO
8056296	05115	3501720896	103		WHITE FARMS B #1	UNION CITY	0.0	TRANSOK PIPELINE CO
8056234	05124	3501721087	103		WILDS B #1	YUKON	0.0	PANHANDLE EASTERN PI
-RICKS EXPLORATION CO					RECEIVED: 09/08/80 JA: OK			
8056233	05138	3501120995	103		CLASSEN 3-A	WILDCAT	90.0	ARKANSAS LOUISIANA G
8056328	05220	3515120883	103		SANDERS 17B	DACOMA	400.0	PANHANDLE EASTERN PI
-ROCKWELL PETROLEUM CORP					RECEIVED: 09/08/80 JA: OK			
8056279	02504	3512300000	108		COOK-GILMORE #3	ALLEN DISTRICT	9.0	ARKANSAS-LOUISIANA G
8056278	02907	3512300000	108		COOK-GILMORE #5	ALLEN DISTRICT	9.0	ARKANSAS-LOUISIANA G
8056277	02509	3512300000	108		LEWIS-PEGG #3	ALLEN DISTRICT	2.0	ARKANSAS-LOUISIANA G
-SEARCH DRILLING CO					RECEIVED: 09/08/80 JA: OK			
8056258	04654	3500721606	103		HERMANN #1	N W BRYANS CORNER	401.0	NATURAL GAS PIPELINE
8056272	04638	3501721220	103		MCCONNELL #1	E YUKON	261.0	PHILLIPS PETROLEUM C
8056273	04637	3501721221	103		MCCONNELL #2	E YUKON	104.9	PHILLIPS PETROLEUM C
8056267	04695	3501721105	103		WELCH #2	E YUKON	155.0	PHILLIPS PETROLEUM C
-SOUTHERN UNION EXPLORATION COMPANY					RECEIVED: 09/08/80 JA: OK			
8056331	05191	3513520081	103		CATES #1	WILDCAT	182.0	ARKANSAS LOUISIANA G
-ST JOE PETROLEUM (US) CORP					RECEIVED: 09/08/80 JA: OK			
8056287	04702	3510300000	103		LAVINGTON #1	AVANT	182.0	CITIES SERVICE GAS C
-STOCTON OIL & GAS CO					RECEIVED: 09/08/80 JA: OK			
8056327	05222	3511920924	103		HILBERT NO 2	EAST INGALLS	3.0	COLORADO GAS COMPRES
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 09/08/80 JA: OK			
8056309	01492	3505120720	103		NORGE MARCHAND UNIT NO 22-2	CHICKASHA NW	61.0	TRANSOK PIPELINE CO
8056310	01491	3505120643	103		NORGE MARCHAND UNIT NO 26-2	CHICHASHA NW	209.0	TRANSOK PIPELINE CO
8056308	01493	3505120678	103		NORGE MARCHAND UNIT NO 34-2	CHICKASHA NW	62.0	TRANSOK PIPELINE CO
8056307	01494	3505120624	103		NORGE MARCHAND UNIT NO 39-2	CHICKASHA NW	35.0	TRANSOK PIPELINE CO
8056305	04245	3505120764	103		NORGE MARCHAND UNIT TRACT 36 NO 2	CHICKASAH	136.0	PUBLIC SERVICE CO OF
8056314	01487	3505120679	103		NORGE MARCHAND UNIT WELL NO 43-2	CHICKASHA NW	122.0	TRANSOK PIPELINE COM
8056316	01485	3505120747	103		NORGE MARCHAND UNIT WELL NO 44-2	CHICKASHA NW	189.0	TRANSOK PIPELINE COM
8056313	01488	3505120704	103		NORGE MARCHAND UNIT WELL NO 49-2	CHICKASHA NW	38.0	TRANSOK PIPELINE CO
8056315	01486	3505120701	103		NORGE MARCHAND UNIT WELL NO 53-2	CHICKASHA NW	214.0	TRANSOK PIPELINE COM
8056312	01489	3505120721	103		NORGE MARCHAND UNIT WELL NO 6-2	CHICKASHA NW	46.0	TRANSOK PIPELINE CO
8056311	01490	3505120749	103		NORGE MARCHAND UNIT WELL NO 64-2	CHICKASHA NW	131.0	TRANSOK PIPELINE CO
-SUNRISE EXPLORATION INC					RECEIVED: 09/08/80 JA: OK			
8056250	04693	3505120685	103		JENKINS #1	BUTLER CREEK	133.0	MOBIL OIL CORP
-TEXACO INC					RECEIVED: 09/08/80 JA: OK			
8056237	05104	3504700000	103		J L ALEXANDER NO 2	ENID N E	130.0	CHAMPLIN PETROLEUM C
-TEXAS OIL & GAS CORP					RECEIVED: 09/08/80 JA: OK			
8056286	04522	3501721305	103		GROSSMAN #2	EL RENO	140.0	
8056320	04476	3500721644	103		MOELLER #1	FORGAN	342.0	
-THE GHK COMPANY					RECEIVED: 09/08/80 JA: OK			
8056326	05227	3512920326	102		#1-16 KENNEDY	WEST CARPENTER	90.0	MICHIGAN-WISCONSIN P
-UNION OIL COMPANY OF CALIF					RECEIVED: 09/08/80 JA: OK			
8056265	04798	3505920839	103		PLUMMER #3	LAVERNE	70.0	MICHIGAN WISCONSIN P
-UNIT DRILLING CO					RECEIVED: 09/08/80 JA: OK			
8056271	04645	3507920325	103		TANKSLEY NO 1-24	SOUTH BOKOSHE	182.0	ARKANSAS LOUISIANA G
-WALKER & WYTHROW INC					RECEIVED: 09/08/80 JA: OK			
8056248	04738	3501721351	103		BARRETT #17-1	YUKON	250.0	DELHI GAS PIPELINE C
-WESSELY ENERGY CORPORATION					RECEIVED: 09/08/80 JA: OK			
8056232	05148	3504921213	103		DAVIS TRUST NO 1 049-58325	GOLDEN TREND	85.0	WARREN PETROLEUM CO

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JC NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
=WHITMAR EXPLORATION CO				RECEIVED: 09/08/80 JA: DK			
8056332	05173	3501721346	103	PURCELL NO 1	WEST YUKON	180.0	CONOCO INC
=WM J OCONNOR				RECEIVED: 09/08/80 JA: DK			
8056335	05166	3515120959	103	BYRD #1	WEST ALINE	185.0	
8056336	05165	3515120969	103	FRAZER NO 1	WEST ALINE	185.0	MAGIC CIRCLE GAS COR
8056338	05164	3515120979	103	VELEY #3	WEST ALINE	185.0	
**********							
UTAH DIVISION OF OIL,GAS, & MINING							
**********							
=COBEKA RESOURCES (USA) LIMITED				RECEIVED: 09/08/80 JA: UT			
8056344	K-105-3	4304730571	102	MAIN CANYON UNIT #3-16-15S-23E	MAIN CANYON	50.0	PACIFIC TRANSMISSION
=MOUNTAIN FUEL SUPPLY COMPANY				RECEIVED: 09/02/80 JA: UT			
8056343	K-123-1	4300730046	107	WHITMORE PARK NO 2	UNMINABLE COAL BEDS S34=	0.0	MOUNTAIN FUEL SUPPLY
=MOUNTAIN FUEL SUPPLY COMPANY				RECEIVED: 09/08/80 JA: UT			
8056345	K-123-2	4300730045	107	WHITMORE PARK NO 1	UNMINABLE COAL BEDS S34=	0.0	MOUNTAIN FUEL SUPPLY

OTHER PURCHASERS VOLUME NO :286

8056276 CONTINENTAL OIL CO

[FR Doc. 80-30129 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-85-C

[Project No. 3367]

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

September 22, 1980.

The notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 25, 1980, an application of preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3367 to be know as the Cowanesque Project located on the Cowanesque River in Tioga County, Pennsylvania. Correspondence with the Applicant should be directed to: Fred Fiechter, President and Treasurer, P.O. Box 34, Chatham, Pennsylvania 19318.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cowanesque Dam and would consist of: (1) a 250-foot-long penstock located along the left (north) bank; (2) a powerhouse containing a generating unit having a rated capacity of 2,270–kW; (3) a short tailrace; and (4) appurtenant facilities. Project energy would be transmitted over existing power lines serving the dam or to Pennsylvania Electric Company's 115-kV transmission lines within seven miles of the project. Applicant estimates the annual generation would average about 9,090,000 kWh.

Purpose of Project—Project energy would be sold to Pennsylvania Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $65,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *November 28, 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 27, 1981.* A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), *(as amended,* 44 FR. 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 FR. 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a peittion 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 *November 28, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30135 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3363]

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

September 22, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3363 to be known as Union City Project located on French Creek in Erie County, Pennsylvania. Correspondence with the Applicant should be directed to: Fred Fiechter, President and Treasurer, P.O. Box 34, Chatham, Pennsylvania 19318.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Union City Dam and would consist of: (1) a 200-foot-long penstock located along the left (east) bank; (2) a powerhouse containing a generating unit having a rated capacity of 2,300-kW; (3) a short tailrace; and (4) appurtenant facilities. Project energy would be transmitted over existing power lines serving the dam or to Pennsylvania Electric Company's 115-kV transmission lines within 1,000 feet of the project. Applicant estimates the annual generation would average about 9,470,000 kWh.

Purpose of Project—Project energy would be sold to Pennsylvania Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $65,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for the license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application

for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *November 28, 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 27, 1980.* A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended,* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before *November 28, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30136 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-294]

Louisiana Gas Purchasing Corp.; Application for Approval of Rates

September 23, 1980.

Take notice on August 18, 1980, Louisiana Gas Purchasing Corporation (Applicant), 890 Dresser Towers, Houston, Texas 77002, filed in docket No. ST80-294 an application pursuant to Subpart C of Part 284 of the Commission's Regulations for approval of rates charged for the transportation of natural gas for Texas Gas Transmission Corporation (TGT), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on March 21, 1980, it entered into an agreement with TGT whereby Applicant agreed to transport on behalf of TGT up to a maximum of 25 billion Btu's of gas per day. Applicant further states that for these transportation services TGT has agreed to pay Applicant an initial amount of 11.5 cents per million Btu subject to escalation but not to exceed 20.0 cents per million Btu of gas transported.

Applicant now seeks Commission approval of the rates negotiated with TGT in the March 21, 1980, agreement. Applicant asserts that the proposed rates represent reasonable compensation to it for the transportation service rendered.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30137 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3123]

Massachusetts Municipal Wholesale, Electric Co.; Granting Intervention

September 22, 1980.

On August 14, 1980, the County of Franklin, Massachusetts (Petitioner) filed a petition to intervene in the proceeding upon the above application for a preliminary permit for Project No. 3123.

Petitioner states that it has general governmental responsibilities in the territory of the County, wherein the proposed project is located. The Towns of Conway and Deerfield have asked Petitioner to intervene.

No answer or objection to the petition has been received. It appears that the public interest may be served by granting the petition to intervene in this proceeding.

Pursuant to § 375.302 of the Commission's regulations, 45 FR 21216 (1980), amending 18 CFR 3.5(a) 1979, as promulgated by Federal Energy Regulatory Commission rulemaking RM78-19 (issued August 14, 1978), the Petitioner is permitted to intervene in this proceeding subject to the Commission's Rules and Regulations under the Federal Power Act, 16 U.S.C. 791 (a)-825(r). Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30138 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-482]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend

September 23, 1980.

Take notice that on August 18, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP78-482 a petition to amend the order issued November 22, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the establishment of an additional point of receipt of exchange gas from Transcontinental Gas Pipe Line Corporation (Transco) and to establish a balancing point for receipt of gas from Transco, 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 issued November 22, 1978, it was authorized to exchange natural gas with Transco on a thermally equivalent basis in accordance with an exchange agreement between Petitioner and Transco dated June 15, 1978.

Petitioner states that Transco has contracted with Texaco Inc. (Texaco) to purchase the natural gas reserves attributable to the Reeves "AU" Fee #2 well in Reeves County, Texas. Because such reserves are remote from Transco's system, Petitioner and Transco have amended the exchange agreement by an April 24, 1980, letter to add another point of receipt at the interconnection of Texaco's treating facilities with those of Petitioner in Reeves County, Texas, it is asserted.

Petitioner further states that the amended agreement provides for the addition of a balancing point at the existing interconnection of Petitioner's and Transco's facilities in Calcasieu Parish, Louisiana, for the delivery by Transco of imbalanced gas due Petitioner.

It is stated that no increase in daily exchange volumes is proposed as exchange volumes would not exceed 3,000 Mcf per day maximum.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 15, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30139 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-521]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Application

September 23, 1980.

Take notice that on August 28, 1980, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-521 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Transcontinental Gas Pipe Line Corporation (Transco) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants propose pursuant to a transportation and exchange agreement dated August 6, 1980, to transport and deliver to Transco natural gas purchased by Transco from Union Gas Limited of Canada (Union). It is asserted that Panhandle would receive the gas for Transco's account from Union at an existing interconnection with Union near River Rouge, Michigan. Applicants further state that the subject gas would be redelivered by Trunkline at an existing interconnection between the facilities of Trunkline and Transco near Ragley in Beauregard Parish, Louisiana, or the terminus of the U-T Offshore System in Cameron Parish, Louisiana.

Applicants assert that Transco has made arrangements to purchase natural gas from Union pursuant to an April 16, 1980, gas service agreement for the sale and importation of such gas.

Applicants state that the quantity of gas to be transported would be a firm transportation quantity of 30,000 Mcf per day. For this transportation service, Transco would pay Panhandle a monthly charge of $52,500, subject to adjustment, based on the firm quantity of 30,000 Mcf per day with a reduction of 5.75 cents per Mcf if Panhandle were unable to receive gas at the point of receipt for any reason other than the failure of Transco to deliver gas, it is stated. Applicants assert that if Panhandle receives more than 30,000 Mcf of gas on any day the monthly charge would be increased 5.75 cents for each additional Mcf, and the monthly charge would be also subject to increases or decreases as a result of Trunkline or Panhandle rate proceedings. Applicants further assert that Panhandle would pay Trunkline for its *pro rata* share of the transportation service. The term of such transportation service would be thirteen years from the date of first delivery, it is said.

In order to receive deliveries, Panhandle proposes to modify its existing measurement facilities and install chromatograph and telemetering equipment. It is asserted that these proposed facilities would cost approximately $100,000 and that Transco would reimburse Panhandle for the cost of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30140 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-531]

Southern Natural Gas Co.; Application

September 23, 1980.

Take notice that on September 3, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80-531 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain turbine compressor units and for

a certificate of public convenience and necessity authorizing the construction and operation of a reciprocating compressor unit, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon two 2500 horsepower Cooper-Bessemer turbine-driven compressor units located at Applicant's Franklinton Compressor Station in Washington Parish, Louisiana. Applicant asserts that at the time of their installation turbine compressor units were viewed as a low cost method of adding additional compressor horsepower for low load factor use. It is further asserted that because they are relatively less efficient to operate than reciprocating compressors, this type of turbine compressor is being phased out of operations. Applicant states that it has experienced increasingly higher maintenance and repair costs for these turbine units and that replacement parts have become more difficult to obtain.

Because of its belief that the subject turbine compressors are an essential component of the required compressor horsepower at its Franklinton Compressor Station, Applicant further proposes to replace them with a reciprocating compressor unit of the same total horsepower as the two turbine compressor units. It is asserted that because of the greater efficiency and reliability associated with recoprocating compressors, Applicant's customers would benefit from the anticipated lower cost of service with the reciprocating compressor.

The total estimated cost of the facilities proposed herein is $4,274,500 which cost would be financed initially by short term financing and/or cash from current operations and ultimately from permanent financing, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 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 of 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30097 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-528]

Southwest Gas Corp.; Application

September 23, 1980.

Take notice that on September 3, 1980, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP80-528 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 one high pressure tap facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a high pressure tap to be located on its South Lake Tahoe Lateral near Heavenly Valley, Nevada, in order to enable it to deliver volumes of gas to a small commercial customer in Douglas County, Nevada.

Applicant states that the volumes to be delivered through the proposed tap would be solely for Priority 1 or 2 use with the average daily requirements estimated to be approximately 12 Mcf. Applicant further states that peak day requirements would be approximately 58 Mcf and that the estimated annual delivery would total approximately 4,200 Mcf.

The cost of the proposed tap is estimated to be approximately $1,219 which would be financed by an advance made to Applicant by the customer, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30098 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-538]

Texas Eastern Transmission Corp. and Columbia Gas Transmission Corp.; Application

September 23, 1980.

Take notice that on September 8, 1980, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP80-538 a joint application

pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities by Texas Eastern for a new delivery point for the sale of gas to Columbia on Texas Eastern's line in Butler County, Ohio, and for an additional point of delivery from Columbia to Cincinnati Gas and Electric Company (Cincinnati), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Eastern proposes herein to construct and operate interconnecting facilities to provide a new delivery point to Columbia in Butler County, Ohio. In addition, Columbia proposes an additional point of delivery to Cincinnati at the new Texas Eastern point of interconnection. It is asserted that the proposed delivery point is required by Columbia to meet the projected market requirements of its customer, Cincinnati, for the 1980–81 winter period.

It is stated that the proposed delivery point is designed to deliver up to 7,327 dekatherms equivalent of natural gas per day to Columbia. Deliveries at the point proposed herein would not result in an increase in total daily deliveries by or in contract quantities available from Texas Eastern, it is asserted. It is further asserted that deliveries by Columbia to Cincinnati at the proposed point would not result in an increase in Columbia's currently authorized level of sales to Cincinnati.

It is stated that the tap proposed herein would be installed on Texas Eastern's existing line and that the metering station would be located on land purchased by Texas Eastern which is adjacent to its existing right-of-way. The estimated cost of the proposed construction is approximately $170,000, it is asserted. It is submitted that Columbia would reimburse Texas Eastern for such cost and that Columbia would be reimbursed by Cincinnati for certain of the costs and would finance the remainder from funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 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's to appear or be represented at the hearing.

Lois C. Cashell,

Acting Secretary.

[FR Doc. 80-30099 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-358]

Texas Gas Transmission Corp.; Petition To Amend

September 23, 1980.

Take notice that on August 29, 1980, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP77–358 a petition to amend the order issued October 4, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to reinstate the transportation of natural gas for the account of Allied Products Corporation—Kerr Finishing Divisions (Kerr), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 4, 1978, it was authorized to transport on an interruptible basis up to 250 Mcf of natural gas per day to Transcontinental Gas Pipe Line Corporation (Transco) for delivery to Kerr at its Concord, North Carolina, plant. The term of the transportation authorization was for a period of one year through July 17, 1979, it is asserted.

Petitioner states that on January 31, 1979, the Kerr plant at Concord was destroyed by fire and natural gas deliveries were suspended until other arrangements could be made. Although transportation service had been discontinued because of the fire, it is stated that Kerr continued to pay for gas purchased from Trinidad Petroleum Corporation. It is asserted that as of April 30, 1980, Kerr had accumulated approximately 122,500 Mcf of natural gas for which it had paid and continued to accumulate at the rate of 250 Mcf per day through July 16, 1980.

Petitioner asserts Kerr has obtained a new facility in Travelers Rest, South Carolina, and transferred its Concord operations there. Petitioner, therefore, proposes to resume deliveries to Kerr under the authorization in the instant docket.

Petitioner states that natural gas would be delivered for a term of one year from the date of resumption of deliveries. It is stated that natural gas would be delivered to Petitioner at an existing meter station owned by Kerr and operated by Petitioner on its Bastrop-Eunice 26-inch pipeline in La Salle Parish, Louisiana. Petitioner would transport and deliver up to 400 Mcf per day received for Kerr's account to Transco for ultimate delivery to Kerr's Travelers Rest plant.

Petitioner would collect an initial charge of 6.0 cents for each MCF delivered to Transco for the account of Kerr, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 15, 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 Procedue (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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30100 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP79-80, CP80-7, and CP80-380]

Trailblazer Pipeline Co., et al.; Order Providing for Additional Hearings, Consolidating Proceedings, and Granting Petitions to Intervene

Issued: September 23, 1980.

In the matter of Trailblazer Pipeline Co., Overthrust Pipeline Co., Colorado Interstate Gas Co., (Docket No. CP79-80); Mountain Fuel Supply Corp. (Docket No. CP80-7); Northern Natural Gas Co. (Docket No. CP80-380).

I. Applications

On November 21, 1978, Trailblazer Pipeline Company, Overthrust Pipeline Company, and Colorado Interstate Gas Company (Applicants) filed an application, as amended, on May 25, 1979, and February 12, 1980, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to be known as the Trailblazer system (Docket No. CP79-80). The Trailblazer system will extend 800 miles from the Rocky Mountain Overtrust Belt region to points of interconnection with Natural Gas Pipeline Company of America (Natural) and Northern Natural Gas Company (Northern) at or near Beatrice, Nebraska, and will consist of three segments: Overthrust, Colorado Interstate, and Trailblazer. [1] The estimated cost of the Trailblazer system is $535,112,000. The principal shippers of natural gas through the segments of the Trailblazer system include Colorado Interstate Gas Company (CIG), Columbia Gas Transmission Company (Columbia), Natural, and Northern.

Two other applications are related to the Trailblazer proposal. On October 1, 1979, Mountain Fuel Supply Company (Mountain Fuel) filed an application, as amended, March 27, 1980, for a certificate of public convenience and necessity authorizing the construction and operation of facilities at an estimated cost of $16,000,000 and the transportation of natural gas in interstate commerce in amounts up to 100 MMcfd each for Columbia, Natural, and Northern. These facilities will allow Mountain Fuel to transport gas to the Colorado Interstate segment of the Trailblazer system (Docket No. CP80-7). On May 23, 1980, Northern filed an application for a certificate of public convenience and necessity authorizing the construction and operation of facilities at an estimated cost of $5,411,000 in order to interconnect its facilities with the Trailblazer segment.

Notices of the applications and amendments to the applications were published in the **Federal Register** on December 4, 1978, June 13, 1979, October 22, 1979, February 26, 1980, April 16, 1980, and June 3, 1980. Petitions to intervene and notices of intervention were filed by numerous persons who are listed in the appendix of this order. All interventions listed in the appendix are granted below.

Mountain Fuel, Northwest Pipeline Corporation (Northwest), Northern, and Kansas Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) requested formal hearing. Mountain Fuel and Northern withdrew their requests for formal hearings upon becoming participants in the Trailblazer system. Northwest withdrew its request for hearing on May 9, 1980.

II. Discussion

The Rocky Mountain region, of which the Overthrust Belt is a part, has been one of the most promising areas in the United States for natural gas exploration and development activity in recent years. The Congress, in enacting the NGPA, and the Commission, in implementing that statute, have recognized the importance of providing sufficient incentives for producers to explore and develop these natural gas reserves. Amoco and Chevron, two producers who have dedicated reserves to Trailblazer system shippers, have made and are making significant investments, not only in exploration and development, but also in processing and treatment, on the strength of the incentive prices provided in Title I of the NGPA.

The Commission must also act to assure the development of sufficient interstate pipeline transportation capacity to move natural gas from the Rocky Mountain area to market. In recent years, the Commission has approved numerous projects for that purpose, including the Rollins-Heston pipeline of Cities Service Gas Company *(Cities Service Gas Company,* Docket No. CP76-500, September 1, 1978) and an expansion of Northwest's facilities *(Northwest Pipeline Corporation,* Docket No. CP79-150, August 29, 1980).

The Trailblazer project is the largest of several additional transportation networks, including the Trans-Anadarko Pipeline System (Docket No. CP80-17) and the Rocky Mountain Project (Docket No. CP79-424), which are pending before the Commission and which involve natural gas transportation from the Rocky Mountain area. Key issues in the Commission's consideration of the Trailblazer project include the adequacy of natural gas reserves, the economic feasibility and environmental effects of the project and appropriate alternatives, and the proper tariff and rate treatment for the project.

Because of the significance of the Trailblazer proposal, the Commission scheduled an oral presentation on August 5, 1980, for the purpose of exploring these issues and determining the most appropriate procedures for establishing a record adequate for decision. At the close of the oral presentation, the Commission requested that the parties, including staff, file, by August 20, 1980, statements indicating issues that legally require a hearing and issues that deserve a hearing.

The primary contested issues in this proceeding: gas supply, rate and tariff treatment, and alternatives to the project, appear to be so interrelated that it would be inadvisable in the absence of sworn initial and reply testimony, to attempt to resolve issues at this time. [2] Moreover, Applicants, as well as intervenor Kansas-Nebraska, acknowledge that further proceedings will be required on disputed issues, particularly those related to alternative means of transportation.

Notwithstanding this determination, the procedures we have specified below are designed to provide maximum flexibility to the ALJ and to ensure that a final decision in this case can be made in an expeditious fashion. Thus, the ALJ is specifically urged to request the appointment of a settlement judge for resolving issues if there is a reasonable likelihood that that procedure will expedite the proceeding. Moreover, the ALJ is advised that with respect to any issues which he may determine can be decided on the basis of the sworn testimony, he should dispense with cross-examination, and set a briefing schedule for those issues, if this will expedite resolution of the case.

A number of cases, which have arisen after the Supreme Court's decision in *United States* v. *Florida East Coast Railway Co.,* 410 U.S. 224 (1973), both before this Commission and other agencies, have emphasized the procedural flexibility which the Commission has in compiling an adequate record for decision-making. In this case, there may indeed be certain issues which require the crucible of cross-examination for purposes of testing the value of the testimony and

[1] The distance cost and design capacity for the three segments are as follows: Overthrust (88 miles, 400 MMcfd, $56,752,000); Colorado Interstate (264 miles, 670 MMcfd, $195,402,000); Trailblazer (445 miles, 525 MMcfd, $280,593,000).

[2] To the extent the Applicants have not filed any necessary related applications, we cannot and do not intimate whether such applications will raise additional material issues of fact.

for further supplementing and illuminating the record. By the same token, there may be other issues where a decision can be reached based on the filed sworn testimony alone and other materials in the record, without the need for cross-examination. The procedures which we prescribe for this case are designed to provide the ALJ with this flexibility in the interests of expediting decision. In this regard, we expect that the initial testimony to be filed simultaneously by the Applicants and other parties will fully and adequately address *all* issues which have been raised or which the parties deem relevant to the decision and that the reply testimony be limited accordingly. At the same time, such reply testimony should be sufficiently complete to limit, if not avoid, the need for cross-examination.

We contemplate that the ALJ will use his full authority to ensure expedition. For example, we anticipate that the ALJ will strike answering testimony to the extent it goes beyond its proper scope or addresses for the first time matters which have previously been raised in this case and, thus, which should properly have been the subject of initial testimony. This will guarantee that a party's full direct case is in its initial testimony and, hence, subject to critique by answering testimony. By this example, we do not intend to preclude other means of expedition of which the ALJ may avail himself during these proceedings. We do seek to emphasize the importance we place in expediting the hearing, while ensuring that each party has the opportunity to address issues material to whether the Trailblazer project is in the public interest.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the applications for certificates of public convenience and necessity in Docket Nos. CP79–80, CP80–7, and CP80–380 be consolidated and set for hearing in accordance with the procedure prescribed below.

(2) Participation in the proceeding by the petitioners listed in the appendix may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, a hearing shall be held in the applications in Docket Nos. CP79–80, CP80–7, and CP80–380 and these applications are hereby consolidated.

(B) The Chief Administrative Law Judge or a Presiding Administrative Law Judge designated by the Chief Administrative Law Judge shall preside at a prehearing conference, and any subsequent hearing in these proceedings, with authority to establish and change all procedural dates and to rule on all motions, as provided by the Rules of Practice and Procedure.

(C) Written testimony shall be filed simultaneously on the issues designated in this order and other issues as the parties, including Commission staff, may determine are relevant to this proceeding in accordance with the following schedule:

Direct testimony: October 17, 1980.
Reply testimony: November 7, 1980.

(D) On or before November 18, 1980, the Presiding Administrative Law Judge shall convene a prehearing conference and, within ten days after the prehearing conference, shall:

(1) Set procedural dates for evidentiary hearing on those issues which in his judgement, consistent with legal standards, require evidentiary proceedings, and

(2) Reserve those issues which he determines may be decided on the basis of the filed testimony and other record information without further proceedings and may set a separate briefing schedule for those issues.

(E) The Presiding Administrative Law Judge shall report to the Commission on the procedures adopted and the schedule for decision.

(F) The Presiding Administrative Law Judge is authorized and encouraged to request the appointment of a settlement judge for purposes of resolving, in whole or in part, issues in controversy, if the judge determines that there is a reasonable likelihood that this could expedite the proceeding. In such circumstances, the Presiding Administrative Law Judge may defer the schedule for the remainder of the case and shall report this to the Commission.

(G) Petitioners to intervene listed in the appendix are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission. Commissioner Sheldon, concurring, filed a separate statement appended hereto. Commissioner Hall dissenting, filed a separate statement appended hereto.

Kenneth F. Plumb,
Secretary.

Appendix—Interventions Granted

UGI Corporation
Iowa Southern Utilities Company
Northern Illinois Gas Company
The Peoples Gas Light and Coke Company & North Shore Gas Co.
Mississippi River Transmission Corporation
Chevron U.S.A. Inc.
Central Illinois Light Company
United Gas Pipe Line Company
Northwest Pipeline Corporation
Mountain Fuel Supply Company
Kansas Nebraska Natural Gas Company, Inc.
Michigan Wisconsin Pipeline Company
City of Chicago, Illinois
Iowa-Illinois Gas and Electric Company
Northern Natural Gas Company
Illinois Power Company
Transwestern Pipeline Company
Panhandle Eastern Pipe Line Company
Northern Indiana Public Service Company
Cities Service Gas Company
Public Service Company of Colorado, Western Slope Gas Company
Cheyenne Light, Fuel and Power Company
Columbia Gas Transmission Corporation
Iowa Electric Light and Power Company
Natural Gas Pipeline Company of America
The Public Service Commission of the State of New York
MAPCO Inc.
The City of Colorado Springs, Colorado
The People's Counsel of Maryland
Public Utilities Commission of the State of Colorado
City and County of Denver, Colorado
AGT Development Corporation
Home Builders Association of Metropolitan Denver
Iowa Power and Light Company
Public Service Commission of Wisconsin
Public Service Commission of the State of New York
Natural Gas Corporation of California
Southern Natural Gas Company
Minnesota Gas Company
Metroplitan Utilities District of Omaha
Iowa Public Service Company and North Central Public Service Co. Div. of Donovan Companies Inc.
Trailblazer Pipeline Company, Overthrust Pipeline Company, Colorado Interstate Gas Company—Docket No. CP79–80
Mountain Fuel Supply Corporation—Docket No. CP80–7
Northern Natural Gas Company—Docket No. CP80–380

Sheldon, Commissioner, *concurring:*
Issued September 23, 1980.

My colleagues have determined that a hearing is required before this important proceeding can be resolved. Legal opinion differs greatly as to whether a hearing is necessary, but since the applicants are cautious to commit money to this project without such a hearing I reluctantly *concur* with the majority's order.

When regulators attempt to expedite procedures for the mutual benefit of industry and consumers, often they encounter opposition from the same parties who claim

overregulation. Overregulated parties invoke the same regulations to delay government action successfully. Thus, the consumer is saddled with the cost of excessive regulation.

In this case we are engaged in a proceeding to seek additional evidence when knowledgeable people in both government and industry have advised this Commission that the best *factual* information is already available publicly. There is, perhaps, insufficient analysis of this information in terms of the proposed projects. Thus, this evidentiary hearing is not likely to provide additional facts, nor will it necessarily provide the analysis needed by the Commission to make a reasoned decision.

It is my belief in this case the Commission is in a procedural quagmire which does not advance the interests of the consumers, the Nation, or the Commission.

Georgian H. Sheldon,

Commissioner.

Trialblazer Pipeline Company, *et al.*—Docket No. CP79–80

Issued September 23, 1980.

HALL, Commissioner, *dissenting*:

I respectfully dissent.

The majority has decided that a hearing is required in this proceeding. Kansas-Nebraska (K-N) asserts it has procedural rights to a hearing, and the Trialblazer applicants are concerned that without an on-the-record adjudication there might be a procedural cloud over the Trailblazer project which could deter its financing. The applicants also appear to insist on a hearing respecting tariff conditions.

A formal on-the-record adjudication should be for the purpose of establishing a sound basis for public decision-making, not to provide parties with a ploy to pursue private ends. The formal hearing the Commission has approved is unlikely to serve its appropriate purpose.

Perhaps the majority is right and the on-the-record hearing will significantly strengthen the record and make for easier or better Commission decisions. I sincerely hope so. However, I doubt this will be the outcome considering the nature of the issues the Commission must address.

There are three basic issues that must be addressed in assessing the public interest aspects of the Trailblazer proposal. The first is gas supply in the Western Overthrust Region. The public presentations made to the Commission and the various filings in this docket indicate that portents for gas reserves in the Overthrust Region are favorable, but less gas than required to fill the proposed pipeline has been placed under contract to Trialblazer. However, more drilling, not on-the-record questioning and cross-examination, is required before additional information about reserves will be available. After completion of the ordered hearing, the Commission will still likely have to face uncertainly about the precise amount ot natural gas in this region.

The preferred response to the inherent uncertainly regarding supply appears to be a rate condition that will ensure consumer protection should the expectations about forthcoming gas supplies prove to be incorrect. An appropriate rate condition is a major and significant issue that must be addressed by the Commission, but it is a matter more suited to analysis than adjudication. It should not be difficult to develop a rational and reasonable condition that would provide the necessary consumer protection if resolution among the interested parties rather than confrontation is the goal. Considering the rates of drilling, finding and deliverability in the Western Overthurst Region, a new pipeline should have little difficulty in acquiring enough gas to be able to achieve a throughput level adequate to shield consumers from the risk of underutilized capacity.

The third major question for the Commission is whether the K–N alternative is preferable to other potential systems which could provide market access for the Overthrust gas. Even accepting all the many assumptions made by K–N, the data indicate that at best the K–N alternative would save the consumers two to six cents per Mcf in transportation costs compared to the Trailblazer proposal. If, however, the K–N proposal were approved, the Commission would have to accept the risk that K–N's assumptions might be wrong or that there might be delays in implementing such a system because K–N cannot effectuate it. In that event, the consumers would pay more than they would have to pay with an alternate system. More significantly, approval of the K–N alternative would forego the advantages of additional new capacity in the Overthrust Region. Analyses of the tradeoffs among benefits, costs and risks are necessary. The judgment will not be easy. However, it is dubious that further evidentiary proceedings will make the decision easier.

Were this a "normal" time, it might be acceptable to put the matter down for hearing. To do so would be the conventional legal response. It might even be the prudent course.[1] But I would prefer the Commission seek alternative avenues to reach a decision even if it means exploring the frontiers of its legal authority.

The Commission is acutely aware of the repeated complaints by industrial spokesmen about Government footdragging on energy-supply project decisions.[2] Fair play and the national interest require pointing out that this hearing appears to serve private interests, not public decision-making.

All of this would be of only academic interest except for one thing. Our society is in peril because of its energy situation. Delays and unnecessary expense in rendering decisions about fuel supply matters have serious social and strategic consequences.

George R. Hall,

Commissioner.

[FR Doc. 80–30101 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–85–M

[1] There is concern that without a formal, on-the-record, hearing a judicial challenge might be mounted with respect to the legal sufficiency of the Commission's procedures and this challenge might preclude financing. This concern is a powerful and possibly compelling reason for ordering a hearing so that when the Commission renders some decision about some potential Overthrust pipeline system, financing, if necessary, can be obtained. Prudence in the face of the need to reach final energy-supply decisions promptly argues for a hearing. My difficulty is that I share Commissioner Sheldon's belief (see concurring statement) that this ". . . procedural quagmire . . . does not advance the interests of the consumers, the Nation or the Commission."

[2] I am cognizant of the complaints in K–N's filings about the Commission staff procedures in this proceeding as well as the applicant's complaints about the delay of the Commission's staff in responding to rate proposals by Trailblazer. It may well be that the Commission's actions to date may not have been as efficient or effective as they might have been, but the relevant point is that it is the private parties to this proceeding who are demanding more time-consuming and costly proceedings.

[Docket No. CP80–526]

Transcontinental Gas Pipe Line Corp.; Application

September 23, 1980.

Take notice that on August 29, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80–526 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 looping to expand the capacity of its Central Louisiana Gathering System (CLGS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate 26.83 miles of 24-inch pipeline loop in Acadia and Vermilion Parishes, Louisiana.

Applicant states that its existing CLGS is one of the primary transporters of gas supplies from the East Cameron Area and Vermilion Area, offshore Louisiana, as well as supplies located onshore in the vicinity of the CLGS in South-Central Louisiana. Such supplies are delivered by the CLGS into Applicant's main line at Station No. 50, Evangeline Parish, Louisiana, it is said.

It is asserted that construction of the facilities proposed herein would increase the ability of the CLGS to deliver gas to Applicant's main line from 857,150 Mcf per day to 943,950 Mcf per day. In addition, Applicant asserts that the proposed facilities would enable the CLGS to accommodate 74,700 Mcf per day of additional volumes attributable to existing firm transportation and exchange arrangements which would enter the system primarily at offshore receipt points and be delivered out of the system at various delivery points upstream of Applicant's main line at Station No. 50. In total, the proposed facilities would accommodate an increase of 161,500 Mcf of gas per day from all sources, Applicant states.

The proposed facilities are estimated to cost $22,510,000 which cost would be financed initially through short-term loans and funds on hand with permanent financing to be arranged as part of Applicant's overall long-term financing program, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30102 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3337]

Water Power Development Corp.; Application for Preliminary Permit

September 22, 1980.

Take notice that Water Power Development Corporation (Applicant) filed on August 19, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3337 to be known as the Knightville Project located on the Westfield River in Hampshire County, Massachusetts. Correspondence with the Applicant should be directed to: Mr. Kenneth E. Mayo, President, Water Power Development Corporation, 23 Temple Street, Nashua, New Hampshire 03060.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers Knightville Dam and would consist of: (1) turbine/generator units rated at 3.94 MW; (2) a new 280 by 100-foot powerhouse located on the southern riverbank; (3) a new penstock approximately 700 feet long; (4) several transmission lines and; (5) appurtenant facilities. Applicant estimates that annual generation would average 15.75 GWh.

Purpose of Project—Power produced would be sold to the Western Massachusetts Electric Corporation.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasbility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an evironmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 28, 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 27, 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 FR 61328, (October 25, 1979), A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 28, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 30103 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP73-112]

Algonquin Gas Transmission Co.; Filing

September 23, 1980.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on September 15, 1980, tendered for filing 12th Revised Sheet No. 10–A and Original Sheet No. 20–H, pursuant

to its Rate Schedule SNG–1 Purchased Feedstock Adjustment Clause ("PFAC"), as contained in its FERC Gas Tariff, First Revised Volume No. 1, adjusting the applicable rate to reflect current cost of feedstock. The adjustments are filed to be effective as of October 16, 1980.

Algonquin Gas states that it also is submitting an SNG Cost of Service Report for the 12 months ended September 30, 1980, prepared to reflect the settlement principles of Algonquin Gas' Stipulation and Agreement in Docket Nos. RP73–112, *et al.*, as approved by Commission order dated March 31, 1978. Such report has been filed to comply with Algonquin Gas' Rate Schedule SNG–1 PFAC.

Algonquin Gas notes that a copy of this filing is being served upon all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80–30144 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA80–2–20]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

September 23, 1980.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on September 12, 1980, tendered for filing 2nd Substitute 53rd Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed in compliance with the Commission's order dated August 28, 1980 (i) to affirm that Algonquin Gas has complied with the Commission requirement concerning the computation of carrying charges on the balances in Algonquin Gas' 191 Account and (ii) to file a tariff sheet reflecting a downward modification of Algonquin Gas' rates to track a downward adjustment in rates by its pipeline supplier, Texas Eastern Transmission Corporation, all as more fully set forth in the filing.

Algonquin Gas requests the Commission accept for filing effective September 1, 1980, 2nd Substitute 53rd Revised Sheet No. 10.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80–30145 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–771]

Appalachian Power Co., et al.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that American Electric Power Corporation (AEP) on September 16, 1980, tendered for filing on behalf of its affiliates, Appalachian Power Company (Appalachian), Ohio Power Company (Ohio) and Wheeling Electric Company (Wheeling), Modification No. 7 dated May 1, 1980 to the Operating Agreement dated June 1, 1971 among Appalachian, Ohio, Wheeling, Monongahela Power Company and West Penn Power Company designated Appalachian Rate Schedule FPC No. 5.

The Modification includes a new Service Schedule F which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule F provides for a transmission service charge of 1.7 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving System is either the AEP System or the APS System, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs plus 1.7 mills per kilowatt-hour for transmission to the point of interconnection, plus 2 mills when the AEP System is the delivering party and (b) when the APS System is the delivering party, 5 mills per kilowatt-hour plus the lesser of (i) the cost of supplying such energy plus 2 mills, or (ii) 110% of the cost of supplying such energy.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstrances arise requiring their use.

Copies of this filing were served upon Allegheny Power Service Corporation, the Public Utilities Commission of Ohio, the State Corporation Commission of Virginia, the Public Service Commission of West Virginia and the Public Service Commission of Pennsylvania.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80–30146 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. CI73–639, et al.]

ARCO Oil & Gas Co., Division of Atlantic Richfield Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

September 19, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.[2] and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI73-639, CI76-586, B, Sept. 5, 1980.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas Texas 75221.	Southern Natural Gas Company, South Pass Block 61 Field, Offshore Louisiana.	Gas is proposed for use in enhance oil recovery.	.....
CI76-778, C, Aug. 12, 1980.....	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Blocks 21 and 22, Vermilion Area, Offshore Louisiana.	(1).....	15.025
CI76-780, C, Aug. 12, 1980.....	.....do.....	Florida Gas Transmission Company, Blocks 21 and 22, Vermilion Area, Offshore Louisiana.	(1).....	15.025

[3] Applicant is willing to accept a certificate establishing the initial rate as the maximum lawful rate authorized by the NGPA of 1978.

[2] Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 80-30147 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-755]

Central Illinois Light Co. and Central Illinois Public Service Co.; Cancellation

September 22, 1980.

The filing company submits the following:

Take notice that on September 5, 1980 Central Illinois Light Company (CILCO) and Central Illinois Public Service Company (CIPS) jointly filed a Notice of Cancellation of a point of connection between CILCO and CIPS. The point of connection to be canceled is known as the "CIL-CIPS Connection 3-Gilchrist," as designated in Appendix A to the Interconnection Agreement between CILCO and CIPS (Supplement No. 8 to CIPS Rate Schedule FERC No. 81; Appendix A, CIL-CIPS Connection 3-Gilchrist, CILCO Rate Schedule FERC No. 20).

CILCO and CIPS stated that service through the Gilchrist connection was discontinued permanently as of February 1, 1979 upon determination that unjustified expenditures would be necessary to restore it to a satisfactory operation condition. CILCO and CIPS remain interconnected at two points and further state that their interchange operation will not be impaired by this cancellation. Accordingly, they request waiver of the Commission's notice requirements to permit an effective date of September 5, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30148 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-422]

Central Vermont Public Service Corp.; Filing

The filing Company submits the following:

Take notice that on September 5, 1980, Central Vermont Public Service Corporation submitted for filing a compliance report pursuant to the Commission's order, issued September 2, 1980, in the above-referenced proceeding.

A copy of this filing has been sent to all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

[FR Doc. 80-30149 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. CP76-285, et al.]

Clay Basin Storage Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

September 22, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 7, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix

Filing date and company	Docket No.	Type filing
Sept. 5, 1980—Clay Basin, Storage Co.	CP76-285	Report.
Sept. 8, 1980—Michigan Wisconsin, Pipe Line Co.	RP79-39	Report.
Sept. 8, 1980—Cities Service, Gas Co.	RP72-142, et al.	Report.
Sept. 8, 1980—U-T Offshore System.	CP76-118, et al.	Report.
Sept. 11, 1980—Cities Service Gas Co.	RP72-142 et al	Plan.
Sept. 11, 1980—Transcontinental Gas Pipe Line Corp.	RP74-48	Report.
Sept. 15, 1980—Transwestern Pipeline Co.	RP78-88	Report.

[FR Doc. 80-30150 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-776]

Commonwealth Edison Co.; Proposed Tariff Change

September 23, 1980.

The filing Company submits the following:

Take notice that Commonwealth Edison Company on September 16, 1980 tendered for filing proposed changes in its FERC Electric Service Tariff No. 10, an Interconnection Agreement, dated November 1, 1964, between Commonwealth Edison Company and Central Illinois Public Service Company.

The parties have agreed to modify the compensation provisions, in part, in Service Schedule C—Short Term Power.

Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Public Service Company, Springfield, Illinois.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30151 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-779]

Commonwealth Edison Co.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that Commonwealth Edison Company on September 18, 1980 tendered for filing Amendment No. 5, dated August 22, 1980, to the Interconnection Agreement, dated November 1, 1964 between Commonwealth Edison Company and Central Illinois Public Service Company.

Commonwealth Edison Company indicates that this filing is made in compliance with Federal Energy Regulatory Commission Order No. 84 in Docket No. RM79-29, "which requires that revenue limits be placed on the operation of percentage adders in rate schedules used for the transmission of third party resale of electric power." In compliance with Order No. 84-B, an effective date of September 1, 1980 is requested.

Copies of the filing were served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Public Service Company, Springfield, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30152 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-769]

Commonwealth Edison Co.; Proposed Tariff Change

September 23, 1980.

The filing Company submits the following:

Take notice that Commonwealth Edison Company on September 15, 1980 tendered for filing proposed changes in its FERC Electric Service Tariff No. 5, an Interconnection Agreement, dated March 1, 1964, between Commonwealth Edison Company and Illinois Power Company.

The parties have agreed to modify the compensation provisions, in part, in Service Schedule C—Short Term Power.

Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois and Illinois Power Company, Decatur, Illinois

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30153 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-767]

Consumers Power Co.; Initial Contract Filing

September 23, 1980.

The filing company submits the following:

Take notice that Consumers Power Company on September 15, 1980 tendered for filing a Service Agreement for firm electric transmission service to be provided by Consumers Power to the Wolverine Electric Cooperative, Inc. (Wolverine). Consumers Power states that the transmission service is for Wolverine's electric capability and energy entitlement as established in the Campbell Unit No. 3 Ownership and Operating Agreement dated August 15, 1980 between Consumers Power, Wolverine and Northern Michigan Electric Cooperative, Inc. (Northern Michigan). Under the Campbell 3 Ownership and Operating Agreement, Wolverine and Northern Michigan have each purchased an undivided ownership interest in the Campbell Unit No. 3 generating unit.

Consumers Power states that the Transmission Service Agreement with Wolverine will become effective on the commercial operation date of Campbell Unit No. 3, which is expected to occur during the 7-day period beginning September 15, 1980.

Consumers Power states that copies of the filing were served on Wolverine and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30085 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-772]

Consumers Power Co.; Contract Filing

September 23, 1980

The filing Company submits the following:

Take notice that Consumers Power Company on September 15, 1980 tendered for filing a Back-up Requirements Agreement between Consumers Power and Northern Michigan Electric Cooperative, Inc. (Northern Michigan), and Wolverine Electric Cooperative, Inc. (Wolverine). Consumers Power states that the Back-up Requirements agreement is dated August 15, 1980 and will become effective on the first day of the month in which the Campbell Unit No. 3 generating unit goes into commercial operation, which is expected to occur during the 7-day period beginning September 15, 1980.

Consumers Power states that under a separate agreement (the Campbell Unit No. 3 Ownership and Operating Agreement), Northern Michigan and Wolverine have each agreed to acquire an undivided ownership interest in the Campbell Unit No. 3 generating unit. Consumers Power states that the purpose of the Back-up Requirements Agreement is to establish the terms and conditions under which Consumers Power will supply to Northern Michigan and Wolverine certain back-up capacity and energy during periods when the Campbell Unit No. 3 generating unit is partially or totally out of service.

Consumers Power states that copies of the filing were served on Northern Michigan, Wolverine, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30086 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-766]

Consumers Power Co.; Filing

September 23, 1980.

The filing company submits the following:

Take notice that Consumers Power Company on September 15, 1980 tendered for filing a Service agreement for firm electric transmission service to be provided by Consumers Power to the Northern Michigan Electric Cooperative, Inc. (Northern Michigan). Consumers Power states that the transmission service is for Northern Michigan's electric capability and energy entitlement as established in the Campbell Unit No. 3 Ownership and Operating Agreement dated August 15, 1980 between Consumers Power. Northern Michigan and Wolverine Electric Cooperative, Inc. (Wolverine). Under the Campbell 3 Ownership and Operating Agreement, Northern Michigan and Wolverine have each purchased an undivided ownership interest in the Campbell Unit No. 3 generating unit.

Consumers Power states that the Transmission Service agreement with Northern Michigan will become effective on the commercial operation date of Campbell Unit No. 3, which is expected to occur during the 7-day period beginning September 15, 1980.

Consumers Power states that copies of the filing were served on Northern Michigan and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30087 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-765]

Consumers Power Co.; Filing

September 23, 1980.

The filing company submits the following:

Take notice that Consumers Power Company ("Consumers Power") on September 15, 1980 submitted for filing a contract for wholesale electric service with the City of Bay City, Michigan ("Bay City"). On its effective date, February 7, 1980, the contract superseded five previous contracts for wholesale electric service to Bay City

(one contract for each of five delivery points) under which service had been rendered since February 24, 1977.

Consumers Power states that the new contract was executed pursuant to an option provided in the Settlement Agreement reached in Docket No. ER80–55 (Consumers Power's most recent wholesale electric rate case) under which wholesale customers receiving service to multiple delivery points can elect to have their billing demand determined on a coincident basis. Consumers Power states that the rates charged under the contract are those established in the Settlement Agreement in Docket No. ER80–55, as they may be amended from time to time.

Consumers Power states that copies of the filing were served on Bay City and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80–30088 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3293]

Continental Hydro Corp.; Application for Preliminary Permit

September 19, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3293 to be known as the Whitney Point Project located on the Otselic River in the Town of Whitney Point, Broome County, New York. Correspondence with the Applicant should be directed to: A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Whitney Point Dam and would consist of: (1) a new penstock from an existing control structure extending to; (2) a new powerhouse on the right (west) river bank located about 100 feet downstream of the dam and containing a 2.22 MW generating unit(s) operated at a 67-foot head; and (3) appurtenant facilities. Project energy would be transmitted over existing power lines serving the dam or would be transmitted to a New York State Electric & Gas Company transmission line through a new 5-mile long transmission line. Applicant estimates the annual generation would average about 9.06 million kWh.

Purpose of Project—Project energy would be sold to New York State Electric & Gas Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 24, 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 23, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c), *as amended* 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 24, 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. 80–30089 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA80–106]

Charles Fenley Enterprises; Filing of Petition for Review Under 42 U.S.C. 7194

September 22, 1980.

Take notice that Charles Fenley Enterprises on September 2, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other

person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80–30090 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–85–M

[Volume 283]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 19, 1980.

BILLING CODE 6450–85–M

JD NO	DA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						
*AMOCO PRODUCTION CO			RECEIVED: 09/02/80 JA: KS			
8055554	K-79-1877	1509300000 108	KENNEY GAS UNIT #1	HUGOTON	21.0	CITIES SERVICE GAS C
8055632	K-80-0498	1518720231 108	LR & CE CROSS #1	HUGOTON	11.0	COLORADO INTERSTATE
8055556	K-80-0128-A	1512920390 103	OSBORNE GAS UNIT B WELL #3	KINSLER	46.8	CITIES SERVICE GAS C
8055663	K-80-0545	1505500000 108	WRIGHT GAS UNIT #1 (2ND FILING)	HUGOTON	18.0	CITIES SERVICE GAS C
*ANADARKO PRODUCTION COMPANY			RECEIVED: 09/02/80 JA: KS			
8055669	K-80-0564	1512920332 103	BROWN C NO 2	INTERSTATE	250.0	INTERSTATE GAS UNIT
8055606	K-80-0457	1518900000 108	BURR #1-27	HUGOTON	19.8	CIMARRON-QUINQUE SYS
8055679	K-80-0575	1517520405 102	CAMPBELL A NO 1	SHUCK	26.0	CIMARRON-QUINQUE SYS
8055654	K-80-0531	1517520456 102	ETZOLD B NO 2	SHUCK	59.0	CIMARRON-QUINQUE
8055677	K-80-0573	1518920497 103	KRAMER A NO 1 WELL	PANOMA	55.0	PANHANDLE EASTERN PI
8055610	K-80-0461	1512920304 108	MOORE C NO 1	INTERSTATE RED CAVE	15.3	INTERSTATE GAS UNIT
8055670	K-80-0565	1512920304 103	MOORE C NO 1	INTERSTATE RED CAVE	15.0	INTERSTATE UNIT
8055681	K-80-0577	1517520429 102	POWELL D-1	ADAMSON	1.5	CIMARRON-QUINQUE
8055608	K-80-0459	1512900000 108	SCOTT A #1	INTERSTATE	2.5	INTERSTATE GAS UNIT
8055609	K-80-0460	1517500000 108	WALDEN NO 1-15	HUGOTON	14.6	CIMARRON-QUINQUE SYS
*B & B FARM INDUSTRIES INC			RECEIVED: 09/02/80 JA: KS			
8055605	K-80-0456	1511920340 103	EDDY #1		560.0	PANHANDLE EASTERN PI
*BENSON MINERAL GROUP			RECEIVED: 09/02/80 JA: KS			
8055552	K-79-1772	1512521455 108	BLEX 1-33	JEFFERSON SYCAMORE	1.5	UNION GAS SYSTEMS IN
8055549	K-79-1768	1512522115 108	CENTER #3-29	JEFFERSON SYCAMORE	18.3	UNION GAS SYSTEMS IN
8055550	K-79-1770	1512522044 108	COONS #2-20	JEFFERSON SYCAMORE	2.9	UNION GAS SYSTEMS IN
8055551	K-79-1771	1512522112 108	COTNER #2-29	JEFFERSON SYCAMORE	18.3	UNION GAS SYSTEMS IN
8055547	K-79-1689	1512700000 108	FUSON #10-21	WILDE	5.5	MAPCO
8055571	K-80-0413	1504720313 108	GIBSON #1	WIL	8.0	PANHANDLE EASTERN PI
8055572	K-80-0414	1504720314 108	GIBSON #2	WIL	8.4	PANHANDLE EASTERN PI
8055573	K-80-0415	1504720344 108	GIBSON #3	WIL	8.4	PANHANDLE EASTERN PI
8055574	K-80-0416	1504720345 108	GIBSON #4	WIL	8.4	PANHANDLE EASTERN PI
8055575	K-80-0417	1504700000 108	GIBSON #5	WIL	8.4	PANHANDLE EASTERN PI
8055546	K-79-1688	1512720073 108	HUTCHINSON #1-5	WILDE	10.6	MAPCO
8055633	K-80-0499	1512522158 103	KLUMP 1-30	JEFFERSON-SYCAMORE	9.1	UNION GAS SYSTEM INC
8055548	K-79-1751	1504720474 108	PATTERSON #1-14	WAYSIDE - HAVANNA	2.1	CITIES SERVICE
8055545	K-79-1177	1504720474 102	SCHULTZ A #3	WIL	18.0	PANHANDLE EASTERN
8055555	K-79-1935	1504720550 102	SCHULTZ A #5	WIL	868.7	PANHANDLE EASTERN PI
8055651	K-80-0525	1504720675 102	SCHULTZ D #1-16	WIL EXTENSION	1752.0	PANHANDLE EASTERN PI
8055671	K-80-0566	1500921937 103	SEEBER #1-10	OTIS ALBERT	18.2	NORTHERN GAS PRODUCT
8055673	K-80-0569	1504720679 102	WOOD B #1-22	WIL EXTENSION	0.0	PANHANDLE EASTERN PI
*BFREN CORPORATION			RECEIVED: 09/02/80 JA: KS			
8055629	K-80-0491	1500900000 108	BIRD #1 NWNO A	OTIS ALBERT	18.0	BENSON MINERAL GROUP
*BYRON E MUMMON JR			RECEIVED: 09/02/80 JA: KS			
8055662	K-80-0544	1515120395 103	FINCHAM #1	BARNES	120.0	CENTRAL STATES GAS C

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*CHAMPLIN PETROLEUM COMPANY					RECEIVED: 09/02/80 JA: KS			
8055639	K-80-0508	1505520383	103		BAKER NO 2	PANOMA	50.0	KANSAS NEBRASKA NATU
8055601	K-80-0447	1505520380	103		DANLER NO 2	PANOMA FIELD	36.5	COLORADO INTERSTATE
8055600	K-80-0446	1505520294	103		GARDEN C-8	PANOMA (COUNCIL GROVE)	36.0	KANSAS-NEBRASKA NATU
8055611	K-80-0462	1509500000	108		M C KYLE NO 2	BASIL	11.0	NORTHERN NATURAL GAS
8055599	K-80-0445	1505520351	103		MOWBRAY NO 2	PANOMA (COUNCIL GROVE)	110.0	NORTHERN NATURAL
*CIG EXPLORATION INC					RECEIVED: 09/02/80 JA: KS			
8055614	K-80-0464	1509320340	108		MILLER #1	HUGOTON	11.0	COLORADO INTERSTATE
*CITIES SERVICE COMPANY					RECEIVED: 09/02/80 JA: KS			
8055668	K-80-0563	1500720827	103		JEWELL A #1	HARDING WEST	109.5	
8055635	K-80-0503	1515120695	103		KNOP A #1	HARDING WEST	109.5	
8055604	K-80-0455	1515120696	103		STAMBAUGH A #1	WIL	150.0	
*CLARKE CORP					RECEIVED: 09/02/80 JA: KS			
8055661	K-80-0541	1500720690	103		ZIMMERMAN NO 4	MCCLURE C W/2 SW SECTION	32.9	KANSAS POWER & LIGHT
*DUNNE-GARDNER PETROLEUM INC					RECEIVED: 09/02/80 JA: KS			
8055694	K-80-0595	1509520942	103		#1 ROBINSON	KLAVER NE EXTENTION	28.2	PEOPLES NATURAL GAS
*ELDON J SCHIERLING					RECEIVED: 09/02/80 JA: KS			
8055689	K-80-0590	1507720588	103		#1 WILLIAMS	WC	60.0	PEOPLES NAT GAS DIV
*ENERGY EXPLORATION & PRODUCTION INC					RECEIVED: 09/02/80 JA: KS			
8055561	K-80-0340	1505520395	103		VIOLET TATE NO 1	HUGOTON	0.0	NORTHERN NATURAL GAS
*EUFAULA ENTERPRISES					RECEIVED: 09/02/80 JA: KS			
8055624	K-80-0486	1519120404	108		CLARK NO 1	MURPHY	0.0	CITIES SERVICE GAS C
8055628	K-80-0490	1519120401	108		MCCLASKEY NO 1-B	MURPHY	0.0	CITIES SERVICE GAS C
8055626	K-80-0488	1519120398	108		MCCORGARY NO 1	MURPHY	0.0	CITIES SERVICE GAS C
8055625	K-80-0487	1519120425	108		MCCORGARY NO 1-B	MURPHY	0.0	CITIES SERVICE GAS C
8055627	K-80-0489	1519120420	108		MCCORGARY NO 3	MURPHY	0.0	CITIES SERVICE GAS C
*EVERETT E MORRIS					RECEIVED: 09/02/80 JA: KS			
8055644	K-80-0514	1520520654	102		MORRIS NO 1	MORRIS LEASE NW 1/4 3-30	18.0	UNION GAS SYSTEM INC
8055645	K-80-0515	1520520655	102		MORRIS NO 2	MORRIS LEASE NW 1/4 3-30	18.0	UNION GAS SYSTEM INC
8055646	K-80-0516	1520520656	102		MORRIS NO 3	MORRIS LEASE NW 1/4 3-30	18.0	UNION GAS SYSTEM INC
8055647	K-80-0517	1520520827	102		MORRIS NO 4	MORRIS LEASE NW 1/4 3-30	18.0	UNION GAS SYSTEM INC
8055648	K-80-0518	1520520828	102		MORRIS NO 5	MORRIS LEASE NW 1/4 3-30	18.0	UNION GAS SYSTEM INC
8055649	K-80-0519	1520520829	102		MORRIS NO 6	MORRIS LEASE NW 1/4 3-30	18.0	UNION GAS SYSTEM INC
*F & M OIL CO INC					RECEIVED: 09/02/80 JA: KS			
8055691	K-80-0592	1515120749	103		#1 GEE	FRISBIE SOUTHWEST	38.3	CENTRAL STATES GAS C
8055566	K-80-0408	1514520657	103		C N/2 NE SW 13-23S-15W	KCC	255.5	CENTRAL STATES GAS C
*F G HOLL					RECEIVED: 09/02/80 JA: KS			
8055652	K-80-0528	1515120714	103		LEE NO 2-29	JEM NO	51.0	CENTRAL STATES GAS C
*GOULD OIL INC					RECEIVED: 09/02/80 JA: KS			
8055672	K-80-0567	1500720733	103		LAWRENZ #1		275.0	CENTRAL STATES GAS C
*GRAHAM-MICHAELIS CORP					RECEIVED: 09/02/80 JA: KS			
8055544	K-79-0948	1505500000	108		MCGRAW #1	HUGOTON	12.5	COLORADO INTERSTATE
*GRAVES DRILLING CO INC					RECEIVED: 09/02/80 JA: KS			
8055683	K-80-0579	1500720531	103		BOB NO 2	BOB NO 2 100 SW OF NE SW	36.5	CITIES SERVICE CO
8055636	K-80-0505	1500720915	102		CLINE NO 1	E/2 NE SE SECTION 29-32S	432.0	CITIES SERVICE GAS C
8055570	K-80-0412	1500720478	103		MCDANIEL NO 1	MEDICINE RIVER C SE SW S	5.5	CENTRAL STATES GAS
8055613	K-80-0465	1500720845	103		SEARS NO 1	MEDICINE LODGE-BOGGS C N	14.4	CITIES SERVICE GAS C
8055618	K-80-0470	1500720614	103		WARWICK NO 3	MEDICINE LODGE NORTH S/2	11.7	CENTRAL STATES GAS
*GULF OIL CORPORATION					RECEIVED: 09/02/80 JA: KS			
8055593	K-80-0438	1500700000	108		ANGELL B #1	MEDICINE LODGE	1.2	KANSAS POWER & LIGHT
8055588	K-80-0430	1505500000	108		BROCK UNIT NO 1	HUGOTON	1.1	NORTHERN NATURAL GAS
8055595	K-80-0440	1509300000	108		CAMPBELL NO 1	HUGOTON	7.0	NORTHERN NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055596	K-80-0441	1509300000	108		CRAHER UNIT #1	HUGOTON	3.0	NORTHERN NATURAL GAS
8055597	K-80-0442	1509300000	108		DOEBBELING UNIT #1	HUGOTON	3.0	NORTHERN NATURAL GAS
8055577	K-80-0419	1508100000	108		EUBANK M H F #1	HUGOTON	3.0	NORTHERN NATURAL GAS
8055587	K-80-0429	1508100000	108		EUBANK M H G #1	HUGOTON	3.0	NORTHERN NATURAL GAS
8055585	K-80-0427	1509300000	108		FERN UNIT #1	HUGOTON	3.0	NORTHERN NATURAL GAS
8055586	K-80-0428	1505500000	108		FOSTER UNIT #1	HUGOTON	2.0	NORTHERN NATURAL GAS
8055580	K-80-0422	1508100000	108		GILES UNIT #1	HUGOTON	1.8	NORTHERN NATURAL GAS
8055584	K-80-0426	1509300000	108		HAVEL UNIT #1	HUGOTON	5.0	NORTHERN NATURAL GAS
8055594	K-80-0439	1508100000	108		J C BARBEE B #1	HUGOTON	9.0	NORTHERN NATURAL GAS
8055582	K-80-0424	1509300000	108		LANDON UNIT #1	HUGOTON	14.5	NORTHERN NATURAL GAS
8055583	K-80-0425	1509300000	108		LIVENGOOD #1	HUGOTON	8.0	NORTHERN NATURAL GAS
8055592	K-80-0437	1511900000	108		MARY TAYLOR #1	MCKINNEY	1.0	KANSAS POWER & LIGHT
8055581	K-80-0423	1505500000	108		OLTMAN UNIT #1	HUGOTON	1.8	NORTHERN NATURAL GAS
8055590	K-80-0432	1508100000	108		PARISH UNIT #1	HUGOTON	1.6	NORTHERN NATURAL GAS
8055589	K-80-0431	1509300000	108		PURDY UNIT #1	HUGOTON	7.0	NORTHERN NATURAL GAS
8055576	K-80-0418	1509300000	108		SHELL #1	HUGOTON	6.5	COLORADO INTERSTATE
8055591	K-80-0436	1509300000	108		STEENIS UNIT #1	HUGOTON	2.0	NORTHERN NATURAL GAS
8055578	K-80-0420	1509300000	108		THORNBROUGH #1	HUGOTON	1.0	NORTHERN NATURAL GAS
8055579	K-80-0421	1508100000	108		VOSHELL UNIT #1	HUGOTON	1.1	NORTHERN NATURAL GAS.
*HALLIBURTON OIL PRODUCING COMPANY					RECEIVED: 09/02/80 JA: KS			
8055643	K-80-0512	1500720803	103		DRIFTWOOD UNIT #1-32	AETNA POOL	0.0	CITIES SERVICE GAS C
*HITCH ENERGY CORP					RECEIVED: 09/02/80 JA: KS			
8055602	K-80-0448	1515520630	103		DRAKE D NO 1-A	WISBY	72.0	GARFIELD GAS GATHERI
8055603	K-80-0449	1515520611	103		DRAKE E NO 1	WISBY	72.0	GARFIELD GAS GATHERI
*IMPERIAL OIL COMPANY					RECEIVED: 09/02/80 JA: KS			
8055567	K-80-0409	1511920396	103		CROOKED-L RANCH #1-27	BORCHERS NORTH	365.0	PANHANDLE EASTERN PI
*JOHN ROBERTS					RECEIVED: 09/02/80 JA: KS			
*8055553	K-79-1855	1507720213	108		WHARTON #1	WHARTON	14.0	NORTHERN NATURAL GAS
*KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 09/02/80 JA: KS			
8055634	K-80-0502	1509300000	108		YATES 1	HUGOTON	18.0	
*LADD PETROLEUM CORPORATION					RECEIVED: 09/02/80 JA: KS			
8055678	K-80-0574	1507520224	103		MCU 3211-B	BRADSHAW	18.2	KANSAS NEBRASKA NATU
*LEAR PETROLEUM CORPORATION					RECEIVED: 09/02/80 JA: KS			
8055565	K-80-0406	1503320343	102		JELLISON #1-4	WILDCAT	73.0	MICHIGAN WISCONSIN P
8055564	K-80-0405	1503320342	102		JELLISON #1-5	WILDCAT	0.0	MICHIGAN WISCONSIN P
*LEAR PETROLEUM EXPLORATION INC					RECEIVED: 09/02/80 JA: KS			
8055674	K-80-0570	1503320344	102		SELZER #1-8	WILDCAT	50.0	MICHIGAN WISCONSIN P
*LEBEN OIL CORP					RECEIVED: 09/02/80 JA: KS			
8055675	K-80-0571	1514520205	108		HAWES B #1	NIXON	9.0	KANSAS NEBRASKA NATU
8055676	K-80-0572	1504520222	108		ROW #1	ZOOK SOUTH	17.0	KANSAS NEBRASKA NATU
*LEBBACK OIL PRODUCTION INC					RECEIVED: 09/02/80 JA: KS			
8055619	K-80-0471	1514520645	103		BAIRD NO 1	ZOOK	90.0	KANSAS-NEBRASKA NATU
8055607	K-80-0458	1515920619	108		FITZPATRICK C-1	FITZPATRICK	16.2	PEOPLES NATURAL GAS
*MID-CONTINENT ENERGY CORP					RECEIVED: 09/02/80 JA: KS			
8055569	K-80-0411	1503320305	103		GREGG #1-29		492.0	DELMI GAS PIPELINE C
8055568	K-80-0410	1503320304	103		GREGG #1-32		191.8	DELMI GAS PIPELINE C
8055631	K-80-0493	1500720515	103		PARR #1	MINGNONA-ADMIRE	2000.0	CENTRAL STATES
*MOBIL OIL CORP					RECEIVED: 09/02/80 JA: KS			
8055563	K-80-0388	1518920490	102		K BROWN UNIT NO 2 WELL	NORTH WALKEMEYER	200.0	NORTHERN NATURAL GAS
8055659	K-80-0539	1512920435	103		MINGENBACK UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
8055622	K-80-0475	1512920431	103		OCONNOR UNIT NO 2 WELL	PANOMA	70.0	NORTHERN NATURAL GAS
8055623	K-80-0476	1518920496	103		PADEN NO 1 UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055660	K-80-0540	1518920500	103		R S PHILLIPS NO 6	PANOMA	7.0	NORTHERN NATURAL GAS
8055630	K-80-0492	1518920495	103		SPEAKMAN NO 1 UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
8055560	K-80-0308	1509320665	103		USA-WHITE UNIT A NO 2	PANOMA	70.0	CITIES SERVICE GAS C
*MULL DRILLING CO INC					RECEIVED: 09/02/80 JA: KS			
8055667	K-80-0560	1515120754	103		DOGGETT #4	SOUTH HOPEWELL	365.0	PANHANDLE EASTERN PI
*N AMER DRILLING & EXPLORATION INC					RECEIVED: 09/02/80 JA: KS			
8055650	K-80-0520	1518521037	103		NO 1 WARD	MACKSVILLE	45.0	KANSAS-NEBRASKA NATL
*NATIONAL OIL COMPANY					RECEIVED: 09/02/80 JA: KS			
8055598	K-80-0444	1502520228	102		#1 BARTH	CLARK CREEK	210.0	NORTHERN NATURAL GAS
*NORTHERN PUMP COMPANY					RECEIVED: 09/02/80 JA: KS			
8055543	K-79-0516	1505500000	108		NEUMAN D1 63066	HUGOTON	18.0	NORTHERN NATURAL GAS
*PETROLEUM INC					RECEIVED: 09/02/80 JA: KS			
8055664	K-80-0546	1509720607	103		SHERER P #1		90.0	PANHANDLE EASTERN PI
*PICKRELL DRILLING COMPANY					RECEIVED: 09/02/80 JA: KS			
8055655	K-80-0532	1504720391	108		FISHER S #1	MULL	19.3	KANSAS-NEBRASKA NATU
8055653	K-80-0530	1509520210	108		MAPLE E-2	BASIL	5.8	GETTY GAS GATHERING
*R CLAY UNDERWOOD					RECEIVED: 09/02/80 JA: KS			
8055558	K-80-0263	1511920189	108		M G ADAMS III F #3	CIMARRON BEND	14.5	KANSAS POWER & LIGHT
8055665	K-80-0550	1512120899	103		JESSIE ADAMS F #17	CIMARRON BEND	298.7	COLORADO INTERSTATE
8055666	K-80-0559	1511920369	103		JESSIE S ADAMS B NO 6	CIMARRON BEND	123.0	PANHANDLE-EASTERN PI
*RANGE OIL COMPANY INC					RECEIVED: 09/02/80 JA: KS			
8055656	K-80-0533	1503522475	102		#1 DEREMO-HUTCHINSON UNIT	ARKANSAS CITY GAS AREA	20.0	COLONIAL CORP
*ROBERT F WHITE					RECEIVED: 09/02/80 JA: KS			
8055682	K-80-0578	1511520522	103		PAUL E HEISE UNIT NO 2	EAST ANTELOPE GAS FIELD	10.0	CITIES SERVICE GAS C
*RUPE OIL CO INC					RECEIVED: 09/02/80 JA: KS			
8055692	K-80-0593	1514500058	108		IRMA SMITH #2 (DWWO)	ZOOK	9.6	KANSAS-NEBRASKA NATU
*TEMA OIL CO					RECEIVED: 09/02/80 JA: KS			
8055562	K-80-0363	1507520208	103		LOWENBURG 1-7	PANOMA	20.0	COLORADO INTERSTATE
*TEXACO INC					RECEIVED: 09/02/80 JA: KS			
8055658	K-80-0538	1512920427	103		D E STOUT GAS UNIT NO 2	PANOMA	100.0	NORTHERN NATURAL GAS
8055612	K-80-0463	1509320557	103		M F POWERS UNIT C NO 1	PANOMA	155.0	CITIES SERVICE GAS C
*TEXAS OIL & GAS CORP					RECEIVED: 09/02/80 JA: KS			
8055684	K-80-0580	1505720163	103		AUSTIN A #2	PLEASANT VALLEY	436.0	DELHI
8055690	K-80-0591	1500720918	103		BALLET RANCH #1	AETNA	91.2	CITIES SERVICE GAS C
8055685	K-80-0581	1500720895	102		LEVENS #1	ELM MILLS	220.0	CENTRAL STATES GAS C
*THE SUPERIOR OIL COMPANY					RECEIVED: 09/02/80 JA: KS			
8055615	K-80-0467	1500700000	108		STERLING B #1	HARDTNER	13.0	CITIES SERVICE GAS C
*THUNDERBIRD DRILLING INC					RECEIVED: 09/02/80 JA: KS			
8055680	K-80-0576	1515520626	103		KESSLING #1		90.0	PEOPLES NATURAL GAS
*VILAS OIL & GAS PRODUCTION GROUP					RECEIVED: 09/02/80 JA: KS			
8055637	K-80-0506	1520520615	103		BLACK #4	VILAS	60.0	CITIES SERVICE GAS C
8055638	K-80-0507	1520520616	103		BLACK #5	VILAS	60.0	CITIES SERVICE GAS C
*VINCENT OIL CORP					RECEIVED: 09/02/80 JA: KS			
8055693	K-80-0594	1507920453	103		ADRIAN #1	HARMAC SE POOL	22.5	PEOPLES NATURAL GAS
8055657	K-80-0537	1515120755	102		FRUIT #1	FRUIT	225.0	PANHANDLE EASTERN PI
*W B OSBORN JR (OPERATOR)					RECEIVED: 09/02/80 JA: KS			
8055688	K-80-0587	1509320636	102		BRANINE #2	HUGOTON	40.0	PEOPLES NATURAL GAS
8055687	K-80-0583	1509320675	102		ELSIE #1	HUGOTON (CHASE)	75.0	PANHANDLE EASTERN PI
8055640	K-80-0509	1509320632	103		ELVA #1-A	PANOMA (COUNCIL GROVE)	25.0	COLORADO INTERSTATE
8055641	K-80-0510	1509300000	102		GALE #1-A	PANOMA	36.0	PANHANDLE EASTERN PI
8055642	K-80-0511	1509300000	102		HILDEBRAND #1	HUGOTON (CHASE)	75.0	PANHANDLE EASTERN PI
8055686	K-80-0582	1509320680	103		HOOVER #2	HUGOTON	45.0	COLORADO INTERSTATE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055621	K-80-0473	1509320645	102		PLUMMER #2	HUGOTON (CHASE)	40.0	COLORADO INTERSTATE
8055620	K-80-0472	1509320633	103		VIRGINIA #1-A	PANOMA (COUNCIL GROVE)	40.0	COLORADO INTERSTATE
*NM R WHITTAKER					RECEIVED: 09/02/80 JA: KS			
*8055617	K-80-0468	1501720134	108		FREY #1	FREY	9.9	AAA DIVERSIFIED INV
*8055559	K-80-0292	1501720133	108		SPAIN #1	SPAIN	0.0	AAA DIVERSIFIED INV
*8055616	K-80-0469	1501720135	108		UMBERGER #1	UMBERGER	9.9	AAA DIVERSIFIED INV
*ZENITH DRILLING CORPORATION INC					RECEIVED: 09/02/80 JA: KS			
8055557	K-80-0188	1514520572	108		CORZINE #1	GARFIELD SW	9.0	KANSAS-NEBRASKA NATU

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NORTH DAKOTA GEOLOGICAL SURVEY

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*TEXAKOTA INC					RECEIVED: 09/02/80 JA: ND			
8055730	276	3310500818	103		M BORSTAD #10-1 PERMIT #7401	MADISON-WEST TIOGA	10.5	AMINOIL USA

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NEW MEXICO DEPARTMENT OF ENERGY & MINERALS

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*AMOCO PRODUCTION CO					RECEIVED: 09/02/80 JA: NM			
8055738		3004523856	103		ARMENTA GAS COM C #1E	BASIN DAKOTA	91.0	EL PASO NATURAL GAS
8055736		3004524088	103		BURNHAM GAS COM #1E	BASIN DAKOTA	91.0	EL PASO NATURAL GAS
8055735		3004524175	103		GALLEGOS CANYON UNIT #170E	BASIN DAKOTA	91.0	EL PASO NATURAL GAS
8055733		3004523732	103		HARE GAS COM B #1E	BASIN DAKOTA	91.0	EL PASO NATURAL GAS
8055734		3004524003	103		MASDEN GAS COM #1E	BASIN DAKOTA	91.0	EL PASO NATURAL GAS
8055737		3004524001	103		MCCARTY GAS COM B #1E	BASIN DAKOTA	91.0	EL PASO NATURAL GAS
8055731		3002526533	102		STATE FU #3	AIRSTRIP LOWER BONE SPRI	111.3	WARREN PETROLEUM CO
*EL PASO NATURAL GAS COMPANY					RECEIVED: 09/02/80 JA: NM			
8055744		3003920691	108		RINCON UNIT #194	BLANCO SOUTH-PICTURED CL	20.0	EL PASO NATURAL GAS
8055743		3003907069	108		SAN JUAN 28-7 UNIT #80	SOUTH BLANCO-PICTURED CL	20.1	EL PASO NATURAL GAS
*HARPER OIL COMPANY					RECEIVED: 09/02/80 JA: NM			
8055742		3002500000	103		REED #1	WILDCAT	0.0	WARREN PETROLEUM CO
*HIXON DEVELOPMENT COMPANY					RECEIVED: 09/02/80 JA: NM			
8055739		3004500000	108		CHACO WASH NO 1	WAW-FRUITLAND-PC	11.0	EL PASO NATURAL GAS
*MARATHON OIL COMPANY					RECEIVED: 09/02/80 JA: NM			
8055741		3002526503	103		MARATHON SECTION 17 ST COM #1	NORTH VACUUM ABO	1.0	
*READ & STEVENS INC					RECEIVED: 09/02/80 JA: NM			
8055732		3002526707	103		WAINOCO STATE NO 3	QUAIL QUEEN	4.0	WARREN PETROLEUM CO
*U S OPERATING INC					RECEIVED: 09/02/80 JA: NM			
8055740		3002526754	103		MAX STATE #1	NORTH LUSK MORROW	0.0	EL PASO NATURAL GAS

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OHIO DEPARTMENT OF NATURAL RESOURCES

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*BARTLO OIL AND GAS COMPANY					RECEIVED: 09/02/80 JA: OH			
8055721		3415320843	103		A J BROOKS #1	COPLEY	30.0	LIBBEY-OWENS-FORD CO
8055722		3415320844	103		A J BROOKS #2	COPLEY	30.0	LIBBEY-OWENS-FORD CO
*BJVC ENERGY MANAGEMENT CORP					RECEIVED: 09/02/80 JA: OH			
8055709		3410521846	103		WILLIAM HART #1	BEDFORD	3.0	COLUMBIA GAS TRANSMI
8055710		3410521878	103		WILLIAM HART #2	BEDFORD	3.0	COLUMBIA GAS TRANSMI
*CHESTER D COPELAND					RECEIVED: 09/02/80 JA: OH			
8055704		3400922027	103		PARSONS #2	ROME	0.0	
*CLARENCE K TUSSEL JR					RECEIVED: 09/02/80 JA: OH			
8055703		3400721376	103		H SMITH #1	MONROE	30.0	
8055702		3400721319	103		I GROSSMAN #1	RICHMOND	30.0	
*DAVID SHAFER OIL PRODUCERS INC					RECEIVED: 09/03/80 JA: OH			

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8055745	01420	3416900070	108	D W WILES #2	CLINTON	1.0	COLUMBIA GAS TRANSMI
*FORTUNE GAS AND OIL INC				RECEIVED: 09/02/80 JA: OH			
8055713		3411522161	103	FOX #1	BLOOM	3.0	EAST OHIO GAS CO
8055716		3412122346	103	METTLER-CLARK #1	JACKSON	30.0	EAST OHIO GAS CO
*FUTURE ENERGY CORPORATION				RECEIVED: 09/02/80 JA: OH			
8055712		3411522079	102	PENROSE #2	PENN	128.0	
8055711		3411521963	102	ROBERT PENROSE #1	PENN	75.0	
*HILLTOP DEVELOPMENT CORP				RECEIVED: 09/02/80 JA: OH			
8055714		3411925205	103	#1 WAYNE & EMILY LEVERING	JACKSON	5.0	NATIONAL GAS & OIL C
*JAMES R BERNHARDT				RECEIVED: 09/02/80 JA: OH			
8055708		3410322269	103	P & S D CHRISTOPHER #1	GRANGER	20.0	COLUMBIA GAS TRANSMI
*JERRY C OLDS				RECEIVED: 09/02/80 JA: OH			
8055729		3416922376	103	MUMAW #1	GREEN	20.0	
*K & T OIL & GAS CO INC				RECEIVED: 09/02/80 JA: OH			
8055723		3415320849	103	ALLAMAN #1	NORTHAMPTON	50.0	
8055718		3413322243	103	CRANO #1	EDINBURGH	40.0	
8055725		3415320863	103	CUNNINGHAM #4	HUDSON	60.0	
8055719		3413322302	103	FEAR #1	FREEDOM	20.0	
8055726		3415723516	103	M BREYER #6	YORK	35.0	
8055720		3415320811	103	RIESE #1	NORTHAMPTON	35.0	
8055724		3415320851	103	SOMMA-BUERGLER #1	NORTHAMPTON	80.0	
*PARTNERS OIL COMPANY				RECEIVED: 09/02/80 JA: OH			
8055715		3411925208	103	MARTIN #3A-79C	JACKSON	20.0	NATIONAL GAS & OIL C
*POI ENERGY INC				RECEIVED: 09/02/80 JA: OH			
8055696		3400721200	103	DROWN #1	ROME	25.0	
8055698		3400721233	103	LAKE CARDINAL #1	ROME	45.0	
8055699		3400721265	103	MURPHY #1	ROME	15.0	
8055701		3400721271	103	STURM-FIELDS #1A	NEW LYME	10.0	
8055717		3413322206	103	WILCOX-ADAMS #3	STREETSBORO	75.0	
8055697		3400721214	103	WYNN #2	NEW LYME	8.0	
8055700		3400721270	103	YUHASZ #3	COLEBROOK	12.0	
*THE MUTUAL OIL & GAS COMPANY				RECEIVED: 09/02/80 JA: OH			
8055705		3403123903	103	HAMM #2	PERRY	5.0	
8055706		3403123914	103	HAMM #4	PERRY	5.0	
8055707		3403123915	103	HAMM #5	PERRY	5.0	
*WENNER PETROLEUM CORPORATION				RECEIVED: 09/02/80 JA: OH			
8055727		3416922360	103	P LEAMAN UNIT #1	CANAAN-WAYNE POOL	24.0	
8055728		3416922361	103	W SCHEMRICH UNIT #1	CANAAN-WAYNE POOL	24.0	COLUMBIA GAS TRANS C
*WILLIAM F HILL				RECEIVED: 09/03/80 JA: OH			
8055747	05106	3407521577	108	D WARREN MASSIE #2	CLINTON	0.0	COLUMBIA GAS TRANSMI
8055746	05105	3407520989	108	D WARREN MASSIS #1	CLINTON	0.0	COLUMBIA GAS TRANSMI
********** OKLAHOMA CORPORATION COMMISSION **********							
*BRISCOE OIL CO				RECEIVED: 09/03/80 JA: OK			
8055774	02174	3508320944	103	LETHA 2-5	NW ABELL	22.0	EASON OIL CO
8055773	02176	3508320921	103	LETHA 3-4	NW ABELL	1.2	BRISCOE OIL CO
*CABOT CORPORATION				RECEIVED: 09/03/80 JA: OK			
8055748	05026	3500736135	108	BARBY RANEN 1-34	MOCANE MORROW	7.0	PANHANDLE EASTERN PI
*CHAMPLIN PETROLEUM COMPANY				RECEIVED: 09/03/80 JA: OK			
8055793	04997	3500300000	108	D M WELLS NO 1	E CHANEY DELL	2.0	CHAMPLIN PETROLEUM C
8055758	04986	3508300000	108	HEIM-NAKVINDA NO 1	CASHION	16.0	CHAMPLIN PETROLEUM C
8055792	04996	3500300000	108	MORRIS UNIT NO 1	E CHANEY DELL	5.0	CHAMPLIN PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055791	04995	3500300000	108		S K LEIERER NO 1	CHANEY DELL	4,0	CHAMPLIN PETROLEUM C
8055790	04994	3500300000	108		V J PRAFFITT NO 1	E CHENEY DELL	7.0	CHAMPLIN PETROLEUM C
*CLARK RESOURCES INC					RECEIVED: 09/03/80 JA: OK			
8055795	05036	3509321671	103		HOISINGTON #28-1	SOONER TREND	139,7	CITIES SERVICE GAS C
*COLLIS DAVIS CO					RECEIVED: 09/03/80 JA: OK			
*8055772	02263	3513700000	108		QUINN #1	VELMA	11.7	OKLAHOMA NATURAL GAS
*8055770	02265	3513700000	108		QUINN #2	VELMA	14,6	GETTY OIL CO
*8055771	02264	3513700000	108		QUINN #3	VELMA	11,7	OKLAHOMA NATURAL GAS
*8055769	02266	3513700000	108		QUINN #4	VELMA	14,6	GETTY OIL COMPANY
*8055768	02267	3513700000	108		QUINN #5	VELMA	5,8	GETTY OIL CO
*COLORADO INTERSTATE GAS CO					RECEIVED: 09/03/80 JA: OK			
8055749	05014	3502535103	108		HALLIDAY 2	KEYES	13.0	(1) COLORADO INTERST
*CULPEPPER OIL CO					RECEIVED: 09/03/80 JA: OK			
8055798	04008	3501721066	102		HURST #28-1	WEST YUKON	219,0	PHILLIPS PETROLEUM C
8055785	04985	3501721237	102		RUBES #28-4	WEST YUKON	0,0	PHILLIPS PETROLEUM C
8055784	04984	3501721037	102		VASICEK #C-1	WEST YUKON	180,0	PHILLIPS PETROLEUM C
*DALCO PETROLEUM INC					RECEIVED: 09/03/80 JA: OK			
8055766	03814	3507322098	103		HAZEL NO 1	SOONER TREND	182,5	CITIES SERVICE GAS C
8055767	03813	3507322135	103		L BOECHER NO 1	SOONER TREND	91,3	CITIES SERVICE GAS C
*DAVID MORGAN					RECEIVED: 09/03/80 JA: OK			
8055783	04973	3507322397	103		CARRIE #1	MENNESSEY	450,0	PHILLIPS PETROLEUM C
*EARLSBORO OIL AND GAS CO INC					RECEIVED: 09/03/80 JA: OK			
8055756	04999	3505700000	108		MCKEE #1	CHEROKITA TREND	20,0	SUN GAS CO
*EL PASO NATURAL GAS COMPANY					RECEIVED: 09/03/80 JA: OK			
8055779	04790	3500935557	108		PUCKETT #5	ERICK SOUTH-BROWN DOLOMI	9,0	EL PASO NATURAL GAS
8055778	08050	3514920072	107		ROGERS #1	ELK CITY MORROW UPPER	2000,0	EL PASO NATURAL GAS
*FLAG-REDFERN OIL CO					RECEIVED: 09/03/80 JA: OK			
8055761	04965	3502920189	103		CHILES NO 1-33 WELL		146,0	OKLAHOMA GAS & ELECT
8055776	04966	3502920191	103		HOLDER NO 1-32	CHILES DOME (EARLSBORO S	146,0	OKLAHOMA GAS & ELECT
8055777	04966	3502920220	103		VAN-ENAN NO 1-29	CHILES DOME	146,0	OKLAHOMA GAS & ELECT
*JET OIL COMPANY					RECEIVED: 09/03/80 JA: OK			
8055757	04988	3504721973	103		OTJEN #1	EAST ELKHORN	182,0	EASON OIL CO
*L G WILLIAMS OIL COMPANY INC					RECEIVED: 09/03/80 JA: OK			
8055782	04943	3501721180	103		SCOTT #13-1	WEST PIEDMONT	221,0	PHILLIPS PETROLEUM C
*LPCX CORPORATION					RECEIVED: 09/03/80 JA: OK			
8055796	05034	3512920394	103		THURMOND #4	SOUTHWEST CHEYENNE	450,0	EL PASO NATURAL GAS
*LRF CORP					RECEIVED: 09/03/80 JA: OK			
8055780	02063	3506300000	103		DIAMOND NO 1	GILCREASE	180,0	OKLAHOMA GAS & ELECT
*MARLIN OIL CORPORATION					RECEIVED: 09/03/80 JA: OK			
8055794	05000	3500721631	103		MARLIN ET AL NO 1 DUERSON	MOCANE-LAVERNE	72,0	PANHANDLE EASTERN PI
*MCFARLAND ENERGY INC					RECEIVED: 09/03/80 JA: OK			
8055781	04780	3506320874	103		MEADORS NO 1-14	WEST WETUMKA	0,0	PUBLIC SERVICE CO OF
*MUSTANG PRODUCTION CO.					RECEIVED: 09/03/80 JA: OK			
8055751	05009	3501120841	103		AWTREY #1-34	GREENFIELD	300,0	OKLAHOMA GAS & ELECT
8055755	05005	3501120810	103		BALL #1-5	GREENFIELD	300,0	OKLAHOMA GAS & ELECT
8055763	04925	3507720181	102		BOOTH #1-2	WEST RED OAK	300,0	ARKANSAS-LOUISIANA G
8055754	05006	3501120877	103		DADISMAN #1-4	GREENFIELD	500,0	OKLAHOMA GAS & ELECT
8055752	05008	3501120792	102		DOBBINS #1-29	GREENFIELD	300,0	OKLAHOMA GAS & ELECT
8055753	05007	3501120745	103		GREER #1-32	GREENFIELD	300,0	OKLAHOMA GAS & ELECT
8055750	05010	3501120812	103		SOBER #1	E FAY	170,0	OKLAHOMA GAS & ELECT
*NATIONAL OIL COMPANY					RECEIVED: 09/03/80 JA: OK			
8055797	05011	3509321565	103		DIERKSEN #1	SOUTH MENO	365,0	CITIES SERVICE GAS C

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
*P-T III LTD				RECEIVED: 09/03/80 JA: OK			
8055787	04990	3504721995	103	HIXON NO 30-1	SOONER TREND	109.5	WELLHEAD ENTERPRISES
8055788	04991	3504721983	103	LINHART NO 29-1	SOONER TREND	109.5	WELLHEAD ENTERPRISES
8055786	04989	3504721954	103	PRIBYL #19-1	SOONER TREND	109.5	WELLHEAD ENTERPRISES
*PHILLIPS PETROLEUM COMPANY				RECEIVED: 09/03/80 JA: OK			
8055764	04394	3513921124	103	NORTON C NO 1	GUYMON HUGOTON	100.0	MICHIGAN WISCONSIN P
*RED EAGLE OIL CO				RECEIVED: 09/03/80 JA: OK			
8055789	04992	3509321742	103	MCKINNIS NO 1	FAIRVIEW	75.0	PIONEER GAS PRODUCTS
*SABINE PRODUCTION COMPANY				RECEIVED: 09/03/80 JA: OK			
8055765	04345	3509321613	103	STATE #1-36	N ORION	109.0	
*SAXON OIL COMPANY				RECEIVED: 09/03/80 JA: OK			
8055762	04933	3504320990	103	STATE UNIT #1		100.4	MOBIL OIL CORP
*SOUTHLAND ROYALTY CO				RECEIVED: 09/03/80 JA: OK			
8055799	05038	3515120963	102	CIMARRON #1-26	FREEDOM 76	50.0	PANHANDLE EASTERN PI
*TEXAS OIL & GAS CORP				RECEIVED: 09/03/80 JA: OK			
8055800	05039	3505920876	103	CONVERSE #1	LAVERNE	200.0	
*WESSELY ENERGY CORPORATION				RECEIVED: 09/03/80 JA: OK			
8055775	04968	3504921190	103	JONES ENTERPRISES NO 1 - 049-57410	GOLDEN TREND	9.0	CITIES SERVICE GAS C
8055760	04982	3504921206	103	WILLIAM E BIGBIE NO 1 049-58742	GOLDEN TREND	25.0	WARREN PETROLEUM CO
*WHEELER OIL COMPANY				RECEIVED: 09/03/80 JA: OK			
8055759	04974	3504700000	103	BIRCHALL-BARTLETT #1	S DRUMMOND	150.0	CITIES SERVICE GAS C
**********							
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
**********							
*AMOCO PRODUCTION CO				RECEIVED: 09/02/80 JA: WY 5			
8055695	1353-9	4904120057	102	D AMOCO GULF NO 1	YELLOW CREEK	1600.0	MOUNTAIN FUEL SUPPLY

OTHER PURCHASERS

8055553 PEOPLES NATURAL GAS CO
8055559 CITIES SERVICE GAS CO
8055816 CITIES SERVICE GAS CO
8055817 CITIES SERVICE GAS CO
8055768 LONE STAR
8055769 LONE STAR
8055770 LONE STAR
8055771 LONE STAR
8055772 LONE STAR GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-30141 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 284]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 19, 1980.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION								
*BLUE QUAIL ENERGY INC					RECEIVED: 09/04/80 JA: OK			
8055875	05102	3501721274	103		KIRCHNER #2	YUKON-C SE/4 NE/4 S15-T1	500.0	PHILLIPS PETROLEUM C
*DAVIS OIL COMPANY					RECEIVED: 09/04/80 JA: OK			
8055864	05119	3501721011	102	D	AIRPORT TRUST NO 2		230.0	PHILLIPS PETROLEUM C
*EL PASO NATURAL GAS COMPANY					RECEIVED: 09/04/80 JA: OK			
8055869	5111	3500920130	108		PUCKETT A #2	ERICK SOUTH-BROWN DOLOMI	26.0	EL PASO NATURAL GAS
8055870	5110	3500935438	108		VANNERSON #1	ERICK SOUTH-BROWN DOLOMI	42.0	EL PASO NATURAL GAS
*ENERGY SERVICES INC					RECEIVED: 09/04/80 JA: OK			
8055856	04882	3501721213	103		KISOR NO 1-2	NORTH YUKON	138.4	DELHI GAS PIPELINE C
*GETTY OIL COMPANY					RECEIVED: 09/04/80 JA: OK			
8055862	05040	3513921247	103		E C KRONE NO 1	N E GUYMON	160.0	CITIES SERVICE PIPEL
*HOLDEN ENERGY CORP					RECEIVED: 09/04/80 JA: OK			
8055861	04849	3501921901	103		REED 1-1	JOINER CITY	75.0	AMINOIL USA INC
*JACK BOWLER					RECEIVED: 09/04/80 JA: OK			
8055874	05103	3504721964	103		ANDERSON NO 1	WEST COVINGTON	91.0	GRACE PETROLEUM CORP
*L G WILLIAMS OIL COMPANY INC					RECEIVED: 09/04/80 JA: OK			
8055865	08075	3512920451	107		DAVIS #8-1	W REYDON	0.0	MICHIGAN WISCONSIN P
*LADD PETROLEUM CORPORATION					RECEIVED: 09/04/80 JA: OK			
8055860	00591	3504700000	108		BEHRING B-#1 (MISS)	N E ENID	20.1	CITIES SERVICE GAS C
*PERKINS PRODUCTION CO					RECEIVED: 09/04/80 JA: OK			
8055878	5082	3504921217	103		HOMER NO 1	WEST WHITEBEAD	37.0	WARREN PETROLEUM CO
*PHOENIX RESOURCES COMPANY					RECEIVED: 09/04/80 JA: OK			
8055868	5112	3502700000	108		LAWRENCE #1-28	NORTH NORMAN	18.5	SUNRAY DX OIL CO
*POTTS-STEPHENSON EXPLORATION CO					RECEIVED: 09/04/80 JA: OK			
8055879	5081	3512120634	103		BROWNE TRUST #1-11	FEATHERSTON	0.0	
*SOUTHLAND ROYALTY CO					RECEIVED: 09/04/80 JA: OK			
8055858	05031	3515120961	102		DEVINE #1-13	FREEDOM	75.0	PANHANDLE EASTERN PI
*TENNECO OIL COMPANY					RECEIVED: 09/04/80 JA: OK			
8055857	02683	3505120726	108		STATE OF OKLAHOMA 1-17	AVARD	14.0	DELHI GAS PIPELINE C
*TEXACO INC					RECEIVED: 09/04/80 JA: OK			
8055863	4993	3504700000	103		DALKE FULLER NO 2	ENID N E	109.0	CHAMPLIN PETROLEUM C
*TEXAS OIL & GAS CORP					RECEIVED: 09/04/80 JA: OK			
8055859	02914	3504320881	103		FARRIS B NO 1	PUTNAM	427.0	DELHI GAS PIPELINE C
*THE HARLOW CORP					RECEIVED: 09/04/80 JA: OK			
8055876	05100	3500900000	108		JORDON #2	W MORAVIA	14.5	OKLAHOMA NATURAL GAS
8055877	05099	3500900000	108		PRICE #1	W MORAVIA	5.2	OKLAHOMA NATURAL GAS
*UNIVERSAL RESOURCES CORPORATION					RECEIVED: 09/04/80 JA: OK			
8055866	05133	3512900000	108		IMHOFF 1	PEEK SOUTH	1.4	PHILLIPS PETROLEUM C
8055867	5129	3507320684	108		MCCULLY 1	ALPHA	10.0	PHILLIPS PETROLEUM C
*VULCAN OIL & GAS CORPORATION					RECEIVED: 09/04/80 JA: OK			
8055873	05106	3511100000	103		BUDDY HURST #1	TIGER FLAT	73.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055872	05108	3511121714	103		LOWELL HOBBS #1	BALD HILL	219.0	PHILLIPS PETROLEUM C
8055871	05109	3511100000	103		LOWELL HOBBS #3	BALD HILL	54.7	PHILLIPS PETROLEUM C

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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

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*ALCO OIL CO					RECEIVED: 09/04/80 JA: PA			
8055848	#5440	3705900000	108		MINOR LEMELY #1		0.3	CARNEGIE NATURAL GAS
8055849	#5439	3705900000	108		S C CHESS #1		1.0	PEOPLES NATURAL GAS
*BENCHMARK OIL INC					RECEIVED: 09/04/80 JA: PA			
8055847	5441	3712327873	102		LITTLE #1	FREEHOLD	33.0	COLUMBIA GAS TRANSMI
*CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 09/04/80 JA: PA			
8055832	5457	3703320690	103		JAMES O CONRAD WN-1661	GRAMPIAN 284115	32.0	GENERAL SYSTEM PURCH
*DELTA DRILLING CO					RECEIVED: 09/04/80 JA: PA			
8055855	#5323	3706323871	103		A R FLEMING #3	ARMSTRONG	34.0	PEOPLES NATURAL GAS
*DORAN & ASSOCIATES INC					RECEIVED: 09/04/80 JA: PA			
8055836	5453	3706325083	103		A BUTTERBAUGH #1 KA-25	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055841	5448	3706325029	103		ALBERT C HICKOK #1 KA-30	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055839	5450	3706325063	103		CARL T SEVERINI #1 KA28	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055845	5444	3706325065	103		CHARLES K BOOTMAN #1 K-A-34	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055835	5454	3706324989	103		CHARLES R BUTERBAUGH #1 K-A-24	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055844	5445	3706325028	103		CLAIRE D GROMLEY #1 K-A-33	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055840	5449	3706325057	103		E LONGENECKER #1 KA-29	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055837	5452	3706325044	103		HERMAN A DISHONG #2 KA-26	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055838	5451	3706325027	103		MELVIN P HANNAH #1 KA-27	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055846	5443	3706325195	103		MURRAY EDWARD HENRY #1 K-A-39	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055842	5447	3706325410	103		MURRAY HENRY #1 KA31	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055843	5446	3706325409	103		PIONEER LAKE OUTDOOR CLUB #1 K-A-32	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055833	5456	3706325064	103		ROBERT F HENRY #1 KA-22	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8055834	5455	3706325012	103		ROBERT HENRY #1 K-A-23	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
*ENDEAVOR VENTURES					RECEIVED: 09/04/80 JA: PA			
8055853	#5424	3705321879	103	D	EV 1977-5	QUEEN SAND POOL	5.0	NATIONAL FUEL GAS SU
8055854	#5423	3705321880	103	D	EV 1977-6	QUEEN SAND POOL	5.0	NATIONAL FUEL GAS SU
8055851	#5426	3705321881	103	D	EV 1977-7	QUEEN SAND POOL	5.0	NATIONAL FUEL GAS SU
8055852	#5425	3705321882	103	D	EV 1977-8	QUEEN SAND POOL	5.0	NATIONAL FUEL GAS SU
8055850	#5427	3705321883	103	D	EV 1977-9	QUEEN SAND POOL	5.0	NATIONAL FUEL GAS SU
*FRED J RUSSELL DBA LOUDEN PROPERTIE					RECEIVED: 09/04/80 JA: PA			
8055820	5473	3701900000	108		C FLEMMING HEIRS 1423-1	SAXONBURG	2.3	CRUCIBLE INC
8055827	5465	3701900000	108		C HARVEY 1431-1	CURTISVILLE	2.0	CRUCIBLE INC
8055825	5467	3701900000	108		C WOOD 1429-1	CURTISVILLE	3.2	CRUCIBLE INC
8055819	5474	3701900000	108		E HALSTEAD 1422-1	CURTISVILLE	0.5	CRUCIBLE INC
8055828	5464	3701900000	108		HEIM 1432-1	WORTHINGTON	0.5	CRUCIBLE INC
8055826	5466	3701900000	108		J RICKER 1430-1	WORTHINGTON	0.2	CRUCIBLE INC
8055817	#5476	3701900000	108		J CUNNINGHAM 1153-2	CURTISVILLE	0.3	CRUCIBLE INC
8055824	5468	3701900000	108		KEASEY 1428-1	WORTHINGTON	0.7	CRUCIBLE INC
8055818	5475	3701900000	108		L S LARDIN 1421-1	CURTISVILLE	0.7	CRUCIBLE INC
8055831	5461	3700300000	108		PLUM CREEK PRESBYTERIAN CHURCH 143-	MURRYSVILLE	4.4	CRUCIBLE INC
8055829	5463	3701900000	108		R GERNER 1433-1	WORTHINGTON	0.6	CRUCIBLE INC
8055830	5462	3701900000	108		RUMMEL 1435-1	SAXONBURG	0.2	CRUCIBLE INC
8055822	5471	3701900000	108		S DODDS 1425-1	SAXONBURG	1.5	CRUCIBLE INC
8055821	5472	3701900000	108		S M HALSTEAD 1424-1	CURTISVILLE	0.1	CRUCIBLE INC
8055823	5469	3701900000	108		W H LOVE 1427-1	CURTISVILLE	0.9	CRUCIBLE INC
*GAMMA 79-8 T JOINT VENTURE					RECEIVED: 09/04/80 JA: PA			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055816	#5477	3706522037	103		DAY #1	WINSLOW	25.0	NATIONAL FUEL GAS SU
8055815	#5478	3706522035	103		SMITH #2	WINSLOW	25.0	NATIONAL FUEL GAS SU
*PHILLIPS PRODUCTION CO			RECEIVED: 09/04/80 JA: PA					
8055801	#5492	3706325489	103		DORMAR EVERGREENS INC #1	BLACKLICK	45.0	
8055805	#5488	3706325501	103		GEORGE A VOYTUS #1	MONTGOMERY	25.0	
8055806	#5487	3706522093	103		JOHN J YENZI JR ET UX #1	MCCALMONT	40.0	NATIONAL FUEL GAS SU
8055804	#5489	3706325503	103		JOHN VALKOSKY ET UX #1	CANOE	50.0	
8055803	#5490	3706325492	103		PAUL E ROOF ET UX #1	WASHINGTON	45.0	
8055802	#5491	3706325443	103		SAMUEL O BRESSLER ET UX #1	RAYNE	35.0	
8055807	#5486	3706325490	103		VERNIE G KEENER #1	RAYNE	45.0	
*UNION DRILLING INC			RECEIVED: 09/04/80 JA: PA					
8055812	#5481	3706325406	103		ALTA M WATSON #1 676	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRANS C
8055808	#5485	3706325487	103		J A MCFEATERS #1 684	CENTER TOWNSHIP	0.0	COLUMBIA GAS TRANS C
8055811	#5482	3706325401	103		JACK D BYERS #1 677	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRANS C
8055809	#5484	3706325431	103		P P & V #2 679	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRANS C
8055810	#5483	3706325438	103		PP & V #1 678	WHITE TOWNSHIP	0.0	COLUMBIA GAS TRANS C
8055813	#5479	3706325436	103		R H RAY EST #2 680	RAYNE TOWNSHIP	0.0	COLUMBIA GAS TRANS C
8055814	#5480	3706325512	103		WAYNE V & WADE E HELMAN #2 683	RAYNE TOWNSHIP	0.0	COLUMBIA GAS TRANS C

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-30142 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 285]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 23, 1980.

BILLING CODE 6450-85-M

JD NO	JA DKT	APT NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
*ADOBE OIL & GAS CORPORATION				RECEIVED: 09/05/80 JA: TX			
8055980	16938	4247531904	103	BARSTOW #20 (NEW) #1	SCOTT (CHERRY CANYON)	350.0	TRANSWESTERN PIPELIN
8056141	19194	4247531789	103	BARSTOW NO 12	SCOTT (CHERRY CANYON)	1251.0	TRANSWESTERN PIPELIN
*ALFORD PETROLEUM CORP				RECEIVED: 09/05/80 JA: TX			
8056006	17576	4245130483	103	G S WINTERBOTHAM C-2	DOVE CREEK	180.0	NORTHERN NATURAL GAS
*ALFRED C GLASSELL JR				RECEIVED: 09/05/80 JA: TX			
8056076	19135	4236500000	103	DUNAWAY UNIT #9	CARTHAGE	365.0	ARKANSAS-LOUISIANA G
*AMOCO PRODUCTION CO				RECEIVED: 09/05/80 JA: TX			
8055985	17176	4218930318	103	ANTON IRISH CLEARFORK UNIT #425	ANTON IRISH	1.0	PIONEER NATURAL GAS
8055911	08056	4216100000	108	BROWNE GAS UNIT C #1	NAN-SU-GAIL	35.3	TEXAS UTILITIES FUEL
*8055934	14272	4203931279	103	DORA FRANK GUIDO #10	HASTINGS WEST	73.0	TEXAS EASTERN TRANSM
8055940	14514	4223300000	108	E E WATKINS A R/A B #20	PANHANDLE	4.8	SKELLY OIL CO
8055910	07971	4239131217	103	EL OSO CATTLE CO NO 27	MARY ELLEN OCONNOR (FQ-4	257.0	LA ROSA CORP
8056075	19136	4223531276	103	ELA C SUGG P #1	ELA SUGG (WOLFCAMP)	730.0	CRA INC
*8056123	19393	4203931281	103	GILBERT SNEED #26	HASTINGS EAST	24.0	AMOCO GAS CO
8055933	14057	4223300000	108	H B TERRY #23	PANHANDLE	3.4	SKELLY OIL CO
8056224	20118	4243532221	103	JACK W BROWN D #1	WHITEHEAD (STRAWN)	109.5	LONE STAR GAS CO
8055912	08060	4220330505	102	JOHN HARRISON B NO 1-L	WOODLAWN NE (TRAVIS PEAK	720.0	EAST TEXAS INDUSTRIA
8055986	17179	4221932683	103	LEVELLAND UNIT #749	LEVELLAND	1.0	EL PASO NATURAL GAS
8055987	17180	4221932684	103	LEVELLAND UNIT #750	LEVELLAND	1.0	EL PASO NATURAL GAS
8056124	19397	4200331906	103	MIDLAND FARMS UNIT #402	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8056150	19283	4213532803	103	SOUTH FOSTER UNIT #168	FOSTER	0.6	PIONEER NATURAL GAS
8056149	19284	4213532832	103	SOUTH FOSTER UNIT #169	FOSTER	5.0	PIONEER NATURAL GAS
8056148	19285	4213532804	103	SOUTH FOSTER UNIT #170	FOSTER	0.7	PIONEER NATURAL GAS
8056147	19286	4213532847	103	SOUTH FOSTER UNIT #172	FOSTER	1.3	PIONEER NATURAL GAS
8056146	19287	4213532845	103	SOUTH FOSTER UNIT #174	FOSTER	0.7	PIONEER NATURAL GAS
8056145	19288	4213532964	103	SOUTH FOSTER UNIT #175	FOSTER	6.2	PIONEER NATURAL GAS
8056144	19289	4213532961	103	SOUTH FOSTER UNIT #177	FOSTER	0.3	PIONEER NATURAL GAS
*8056012	18036	4250131719	103	WASSON ODC UNIT #524	WASSON	31.9	SHELL OIL CO
*8056013	18037	4250131722	103	WASSON ODC UNIT #525	WASSON	31.9	SHELL OIL CO
*8056014	18038	4250131732	103	WASSON ODC UNIT #526	WASSON	31.9	SHELL OIL CO
*8056015	18040	4250131733	103	WASSON ODC UNIT #528	WASSON	31.9	SHELL OIL CO
*8056016	18041	4250131727	103	WASSON ODC UNIT #529	WASSON	31.9	SHELL OIL CO
8055887	03032	4221932501	103	WEST RKM UNIT NO 200	SLAUGHTER	15.4	EL PASO NATURAL GAS
*ARCO OIL AND GAS CO				RECEIVED: 09/05/80 JA: TX			
8055935	14464	4213521187	108	TXL C WELL #5	TXL (SAN ANDRES)	1.0	SHELL OIL CO
*ARCO OIL AND GAS COMPANY				RECEIVED: 09/05/80 JA: TX			
8056170	19573	4221530948	103	ARCADIA GUERRA #4	SAN SALVADOR (7900)	350.0	TENNESSEE GAS PIPELI
8056009	18008	4213500500	108	H E CUMMINS A WELL #4	GOLDSMITH	4.8	PHILLIPS PETROLEUM C
8055898	06344	4234130489	103	J G CATLETT #2	PANHANDLE WEST	0.2	DIAMOND SHAMROCK CUR
8055984	17125	4221530911	103	TEMPLE W WEST #28-U	TABASCO (N)	132.0	TENNESSEE GAS PIPE L

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8055943	14577	4213505407	108		TXL B WELL #1
8056094	18585	4210304353	108		UNIVERSITY Z TG NO 3
8056100	19346	4223330690	103		WARE A #1-30
8056121	19345	4223330688	103		WARE A #1-32
8056120	19343	4223330686	103		WARE A #1-34
*8055952	15803	4250101442	108		WEST BRAHANEY UNIT #69
*8055953	15804	4250110054	108		WEST BRAHANEY UNIT #71
*8055954	15805	4250100971	108		WEST BRAHANEY UNIT #73
*BASS ENTERPRISES PRODUCTION CO					RECEIVED: 09/05/80 JA: TX
8055960	16131	4240130682	102		GARRISON GAS UNIT NO 6 WELL #1
8055960	16131	4240130682	103		GARRISON GAS UNIT NO 6 WELL #1
*BEN J TAYLOR					RECEIVED: 09/05/80 JA: TX
8056039	18370	4236731763	103		BULLINGTON #1
*BERT FIELDS JR					RECEIVED: 09/05/80 JA: TX
8056185	19792	4220300000	108		J D WOOLWORTH #1
*BURK ROYALTY CO					RECEIVED: 09/05/80 JA: TX
8056158	19176	4223732809	103		T D WILLIAMS #3
*BURLESON & HUFF					RECEIVED: 09/05/80 JA: TX
8055920	10307	4237100000	108		CRONK #1
*C L GAGE JR					RECEIVED: 09/05/80 JA: TX
8055965	16431	4249700000	103		CAROLINE RICHARDSON #1
8055919	09270	4249700000	103		GERALD STEPHENS NO 1-A
8055919	09270	4249700000	108		GERALD STEPHENS NO 1-A
8055966	16435	4249700000	103		MARY SHRUM NO 1
*CADDO OIL CO					RECEIVED: 09/05/80 JA: TX
8056157	19179	4205100000	103		COFFIELD B-11 (T-470) NO 3
8056078	19111	4233100000	103		COFFIELD M-11 NO 2
*CARTER FOUNDATION PROD N CO					RECEIVED: 09/05/80 JA: TX
8056034	17906	4249531096	103		J B WALTON C #12
8056115	19453	4249531087	103		PURE-WALTON #34
8056128	19434	4249531086	103		PURE-WALTON #35
*CHAMPLIN PETROLEUM COMPANY					RECEIVED: 09/05/80 JA: TX
8056097	18517	4245130546	103		A M DUFF ESTATE A NO 2
*CHAPARRAL ENERGY DEVELOPMENT CORP					RECEIVED: 09/05/80 JA: TX
8056171	19576	4250531062	102		RAMIREZ NO 1
*CHAS F DOMINY					RECEIVED: 09/05/80 JA: TX
8056047	18302	4208300000	108		GARLAND POWELL #1 RRC #41190
8056053	18271	4208300000	108		HAYDEN HARGETT #1 RRC #18227
8056052	18272	4208300000	108		HAYDEN HARGETT #2 RRC# 18228
8056048	18298	4208300000	108		J A ESTES #1 RRC# 18224
8056046	18304	4208300000	108		L L BAKER A #1 RRC ID#18159
8056054	18279	4208300000	108		ROY D GOLSTON #1 RRC #18226
8056050	18283	4208300000	108		S M RUSSELL #1 RRC #18242
8056049	18285	4208300000	108		SMITH-HOWARD #1 RRC #18245
8056051	18281	4208300000	108		W J RICHMOND #2 RRC # 18240
*CHEVRON U S A INC					RECEIVED: 09/05/80 JA: TX
8055894	05663	4238930870	102		REEVES - STATE 1-39
8056007	17643	4249531040	103		W E BAIRD 18-65
8056159	19463	4249531079	103		W E BAIRD 19-47
8055959	16086	4233531388	103		W L FOSTER 5 #12
*CLOVER ENERGY CORP					RECEIVED: 09/05/80 JA: TX
8056176	19718	4212331007	102		KOLODZEY NO 1

FIELD NAME	PROD	PURCHASER
TXL (SAN ANDRES)	4.0	SHELL OIL CO
DUNE	2.2	PHILLIPS PETROLEUM C
PANHANDLE CARSON	4.0	GETTY OIL CO
PANHANDLE CARSON	4.0	GETTY OIL CO
PANHANDLE CARSON	4.0	GETTY OIL CO
BRAHANEY/SAN ANDRES	1.5	SHELL OIL CO
BRAHANEY/SAN ANDRES	1.5	SHELL OIL CO
BRAHANEY/SAN ANDRES	1.5	SHELL OIL CO
GARRISON	75.0	UNITED GAS PIPELINE
GARRISON	75.0	UNITED GAS PIPELINE
BARON LIME (1200)	70.0	BUCKNER GAS CO
WASKOM (TRAVIS PEAK)	14.0	ARKANSAS-LOUISIANA G
TTE (ATOKA 9770)	183.0	LONE STAR GAS CO
ABELL (PERMIAN 3800)	0.0	PGP GAS PRODUCTS INC
BOONSVILLE (BEND CONGLOM	370.0	NATURAL GAS PIPELINE
BOONSVILLE (BEND CONGL G	16.0	NATURAL GAS PIPELINE
BOONSVILLE (BEND CONGL G	16.0	NATURAL GAS PIPELINE
BOONSVILLE (BEND CONGLOM	71.0	NATURAL GAS PIPELINE
WILBUR SE (NAVARRO -A-)	0.0	FERGUSON CROSSING PI
WILDCAT	8.7	FERGUSON CROSSING PI
KEYSTONE (COLBY)	79.0	SID RICHARDSON GASOL
KEYSTONE (COLBY)	86.0	SID RICHARDSON GASOL
KEYSTONE (COLBY)	129.0	SID RICHARDSON GASOL
DOVE CREEK (CANYON D)	9.1	NORTHERN NATURAL GAS
EXSUN (1850)	0.0	TENNESSEE GAS PIPELI
SANTA ANNA (MARBLE FALLS	5.0	LONE STAR GAS CO
SANTA ANNA (MARBLE FALLS	1.0	LONE STAR GAS CO
SANTA ANNA (MARBLE FALLS	3.0	LONE STAR GAS CO
SANTA ANNA (MARBLE FALLS	5.0	LONE STAR GAS CO
SANTA ANNA (MARBLE FALLS	0.0	LONE STAR GAS CO
SANTA ANNA (MARBLE FALLS	6.0	LONE STAR GAS CO
SANTA ANNA (MARBLE FALLS	1.0	LONE STAR GAS CO
SANTA ANNA (MARBLE FALLS	2.0	LONE STAR GAS CO
SANTA ANNA (MARBLE FALLS	2.0	LONE STAR GAS CO
MARSH S (DELAWARE)	134.0	LOVACA GATHERING CO
KEYSTONE	23.0	TRANSWESTERN PIPELIN
KEYSTONE	0.5	TRANSWESTERN PIPELIN
IATAN EAST HOWARD	12.0	GETTY OIL CO
SLICK WEST (REKLAW)	50.0	UNITED GAS PIPE LINE

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
*COBRA OIL AND GAS CORPORATION				RECEIVED: 09/05/80 JA: TX			
8056074	19075	4248131854	103	B O SIMS #1	GOLDEN ROD (FRIO 4200)	90.0	TEXAS EASTERN TRANSM
8056090	18943	4248131854	102	B O SIMS #1	GOLDEN ROD (FRIO 4200)	90.0	TEXAS EASTERN TRANSM
*COLA PETROLEUM INC				RECEIVED: 09/05/80 JA: TX			
*8056104	19348	4246131397	103	HARVEY 41 #1	CALVIN (DEAN)	32.0	PHILLIPS PETROLEUM C
*8056105	19349	4246131374	103	LULA 37 #1	CALVIN (DEAN)	54.0	PHILLIPS PETROLEUM C
*CONOCO INC				RECEIVED: 09/05/80 JA: TX			
8055972	16735	4213533156	103	EAST COWDER (GRAYBURG) #56	NORTH COWDEN	27.7	AMOCO PRODUCTION CO
8055998	17428	4213532156	103	GIST UNIT #105 ID #19373	FOSTER	0.7	ODESSA NATURAL
8055973	16736	4213533156	103	WIGHT UNIT #132 ID #20661	NORTH COWDEN	7.9	AMOCO PRODUCTION CO
8055896	05869	4213532734	103	WIGHT UNIT 20661 NO 96	COWDEN NORTH	4.0	AMOCO PRODUCTION CO
*COURSON OIL & GAS INC				RECEIVED: 09/05/80 JA: TX			
*8056008	17775	4235730888	103	FIRST NATIONAL TRUST #1-571	DUDE WILSON (CLEVELAND)	200.0	TRANSWESTERN PIPELIN
*DALLAS PRODUCTION INC				RECEIVED: 09/05/80 JA: TX			
8055976	16875	4236731616	103	KIRK NO 1	MUIR (STRAWN 4400)	133.0	SOUTHWESTERN GAS PIP
*DELRAY OIL INC				RECEIVED: 09/05/80 JA: TX			
8056125	19412	4208331734	103	GUY A MCDANIEL NO 1	COLEMAN COUNTY REGULAR	22.0	LONE STAR GAS CO
8056077	19115	4204932124	103	JERRY C TONGATE NO 2	BROWN COUNTY REGULAR	40.0	
*DELTA DRILLING CO				RECEIVED: 09/05/80 JA: TX			
8056087	18998	4223531328	103	M TANKERSLEY 18-1	BAKER RANCH (CANYON)	62.4	CRA INC
8056088	18997	4223531308	103	PHILLIPS WELL NO 1	BAKER RANCH (CANYON)	65.7	CRA INC
*DIAMOND SHAMROCK CORPORATION				RECEIVED: 09/05/80 JA: TX			
8055893	05460	4219500000	108	BUZZARD-ETTER NO 1	HANSFORD	8.0	SOUTHWESTERN PUBLIC
8056156	19185	4235730942	103	CARL ELLIS G NO 3	ELLIS RANCH	100.0	NATURAL GAS PIPELINE
8055891	05281	4229500000	108	HOLLENE PEERY ET AL B NO 2-375	LIPSCOMB SW	8.0	SOUTHWESTERN PUBLIC
8055890	05225	4229500000	108	MORRIS R MERYDITH F NO 1	LIPSCOMB	8.0	SOUTHWESTERN PUBLIC
8055892	05450	4229500000	108	WALLACE N HAMKER B NO 1	NORTHRUP	8.0	SOUTHWESTERN PUBLIC
*DILLEY PRODUCTION CO				RECEIVED: 09/05/80 JA: TX			
8056130	19458	4248330661	103	RICE #9	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056131	19459	4248330678	103	RICE NO 10	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056110	19460	4248330679	103	RICE NO 11	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056111	19461	4248330687	103	RICE NO 12	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056116	19454	4248330688	103	RICE NO 13	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056117	19455	4248330691	103	RICE NO 14	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056117	19455	4248330691	103	RICE NO 14	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056129	19456	4248330694	103	RICE NO 15	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056019	18113	4248330634	103	RICE NO 7	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
8056133	19238	4248330636	103	RICE NO 8	PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
*DOMINION CORP				RECEIVED: 09/05/80 JA: TX			
8056132	19239	4204730782	103	MILLS BENNETT ESTATE NO 1	DE LATE CHARCO (V-2)	180.0	TEXAS EASTERN TRANSM
*DORCHESTER GAS PRODUCING CO				RECEIVED: 09/05/80 JA: TX			
8056200	01310	4217900000	108	EVANS NO 1 (24345)	WEST PANHANDLE	80.0	NORTHERN NATURAL GAS
*EL PASO NATURAL GAS COMPANY				RECEIVED: 09/05/80 JA: TX			
8056202	003283	4208731520	108	BELL D #3	PANHANDLE EAST	33.8	EL PASO NATURAL GAS
8056073	19076	4243532218	103	BERGER #5	SONORA CANYON UPPER	110.0	EL PASO NATURAL GAS
8056072	19077	4243532217	103	BERGER #6	SONORA CANYON UPPER	110.0	EL PASO NATURAL GAS
8056071	19078	4243532199	103	HALBERT #5	SONORA CANYON UPPER	110.0	EL PASO NATURAL GAS
*ELDORADO OIL & GAS INC				RECEIVED: 09/05/80 JA: TX			
*8055913	08307	4242900000	102	#2 A ATKINS 14508	EAST CRYSTAL FALLS	61.0	GREAT WESTERN GAS CO
*ENSERCH EXPLORATION INC				RECEIVED: 09/05/80 JA: TX			
8055909	07475	4219730267	103	HYSON WELLS A NO 1	GROESBECK CREEK (CHAPPEL	45.0	SHELL OIL CO
*ESTATE OIL & GAS CORP				RECEIVED: 09/05/80 JA: TX			
8056186	19795	4220330670	102	ELLIS TAYLOR HRS UNIT #1-T 85697	LANSING NORTH (TRAVIS PF	365.0	TEJAS GAS CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*ESTORIL PRODUCING CORP					RECEIVED: 09/05/80 JA: TX			
8056198	19949	4210531768	102		UNIVERSITY 23 #1	BIG FIRE	175.0	J L DAVIS
*EXXON CORPORATION					RECEIVED: 09/05/80 JA: TX			
8056035	17919	4200331908	103		ELIZABETH ARMSTRONG #4	MEANS SOUTH (WOLFCAMP)	31.5	PHILLIPS PETROLEUM C
8056036	17920	4216531589	103		EXXON FEE - EUBANKS BA #9	ROBERTSON N (CLFK 7100)	12.0	PHILLIPS PETROLEUM C
8056212	20036	4216531658	103		EXXON FEE EUBANKS D #8	ROBERTSON N (CLFK 7100)	0.0	PHILLIPS PETROLEUM C
8055947	15228	4200331819	103		FULLERTON (CLEARFORK)UNIT #2033	FULLERTON	34.0	PHILLIPS PETROLEUM C
8056089	18960	4210332125	103		J B TUBB A/C 1 #204U	SAND HILLS (MCKNIGHT)	41.0	EL PASO NATURAL GAS
8056213	20037	4210332138	103		J B TUBB A/C 1 #205L	SAND HILLS (TUBB)	90.0	EL PASO NATURAL GAS
8056037	18418	4242731327	102		LAZARO M GUERRA 7 (84905)	KELSEY SOUTH (ZONE 24-C	500.0	TRUNKLINE GAS CO
8056177	19728	4242700000	108		MCGILL BROS #252-C #65342	KELSEY DEEP	10.0	TRUNKLINE GAS CO
8056178	19729	4242700000	108		MCGILL BROS #330-D #71292	KELSEY DEEP	4.6	TRUNKLINE GAS CO
8056211	20035	4200332105	103		MEANS SAN ANDRES UNIT #7312	MEANS	12.0	PHILLIPS PETROLEUM C
8056210	20034	4200332106	103		MEANS SAN ANDRES UNIT #7364	MEANS	2.0	PHILLIPS PETROLEUM C
8056180	19731	4242700000	108		MIGUEL JUAREZ 5-E 71151	KELSEY DEEP/18-A & B C	17.8	TRUNKLINE GAS CO
8056061	18194	4242731279	102		MIGUEL JUAREZ 7-D (84906)	KELSEY SOUTH (ZONE 20-J	810.0	TRUNKLINE GAS CO
8056142	19319	4204730768	103		MRS K J HOCKER 4 (85361)	SCOTT & HOPPER (6680)	365.0	TENNESSEE GAS PIPELI
8056060	18195	4226130233	102		MRS S K EAST 86-D (84827)	RITA (5-L II)	320.0	NATL GAS PIPELINE CO
*8056209	20033	4223531422	103		PEARL WILLIAMS B #8	DOVE CREEK SOUTH (6500)	208.0	CRA INC
8056179	19730	4226100000	108		SAUZ RANCH TENERIAS A/C 1 T-3 14608	TENERIAS / 7920 FT /	14.9	TENNESSEE GAS PIPELI
*FISHER-WEBB INC					RECEIVED: 09/05/80 JA: TX			
8056045	18339	4208130683	103		CARGILE NO 3	ARLEGE (PENN SAND)	150.0	SUN GAS CO
8056044	18345	4208130664	103		GARTMAN B NO 1	ARLEDGE (PENN SAND)	150.0	SUN GAS CO
*GETTY OIL COMPANY					RECEIVED: 09/05/80 JA: TX			
8056214	20050	4207900000	103		C S DEAN A UNIT NO 197	SLAUGHTER	15.0	AMOCO PRODUCTION CO
8056215	20051	4207900000	103		C S DEAN A UNIT NO 198	SLAUGHTER	15.0	AMOCO PRODUCTION CO
8056216	20052	4207900000	103		C S DEAN A UNIT NO 199	SLAUGHTER	15.0	AMOCO PRODUCTION CO
8056217	20053	4207900000	103		C S DEAN A UNIT NO 200	SLAUGHTER	15.0	AMOCO PRODUCTION CO
8056218	20054	4207900000	103		C S DEAN A UNIT NO 202	SLAUGHTER	15.0	AMOCO PRODUCTION CO
8056096	18525	4248100000	103		F B DUNCAN ET AL #4	WEST BERNARD	0.0	NATURAL GAS PIPELINE
8055932	13952	4236530960	103		J P BEAUCHAMP NO 1	CARTHAGE (TRAVIS PEAK 64	34.0	TEXAS GAS TRANSMISSI
8056005	17560	4235330745	103		LAKE TRAMMEL UNIT WELL #96	LAKE TRAMMEL W (CANYON)	5.0	WEST LAKE NATURAL GA
8055941	14540	4223330649	103		M B ARMSTRONG #18	PANHANDLE HUTCHINSON	7.7	PANHANDLE EASTERN PI
8055942	14541	4223330671	103		M B ARMSTRONG NO 19	PANHANDLE HUTCHINSON	8.4	PANHANDLE EASTERN PI
8056070	19085	4210300000	103		NORTH MCELROY UNIT NO 3323	MCELROY	2.0	PHILLIPS PETROLEUM C
8056068	19087	4210300000	103		NORTH MCELROY UNIT NO 3338	MCELROY	1.0	PHILLIPS PETROLEUM C
8056069	19086	4210300000	103		NORTH MCELROY UNIT NO 3347	MCELROY	1.0	PHILLIPS PETROLEUM C
*GILLRING OIL CO					RECEIVED: 09/05/80 JA: TX			
8056205	04672	4235500000	108		C P TALBERT NO 2 (39247)	AGUA DULCE /5450/	18.0	TENNESSEE GAS PIPELI
*GOLDSTON OIL CORPORATION					RECEIVED: 09/05/80 JA: TX			
8055977	16924	4231131170	103		H C EDRINGTON GAS UNIT NO 1 (82930)	ROOS (WILCOX 7600)	375.0	TENNESSEE GAS PIPELI
8055978	16925	4231131304	103		H C EDRINGTON GAS UNIT WELL NO 2	ROOS (2460)	100.0	TENNESSEE GAS PIPELI
8055979	16926	4231131171	103		T J MARTIN UNIT NO 1 (84350)	ROOS (WILCOX 7600)	190.0	TENNESSEE GAS PIPELI
*GUADALUPE EXPLORATION CORP					RECEIVED: 09/05/80 JA: TX			
8056067	19088	4208730126	103		WISCHKAEMPER A #2	EAST PANHANDLE	20.0	EL PASO NATURAL GAS
*GULF MINERALS OPERATING CO					RECEIVED: 09/05/80 JA: TX			
8056065	19057	4217531224	103		JACK GUMM #1	PROPOSED JACK GUMM (WILC	100.0	UNITED GAS PIPE LINE
*GULF OIL CORPORATION					RECEIVED: 09/05/80 JA: TX			
8055926	12667	4247931860	102		BRUNI MINERAL TRUST A #2	JUANITA	730.0	TENNESSEE GAS PIPELI
8055925	12079	4204130336	103		GUEST UNIT I NO 1	KURTEN (WOODBINE)	5.0	PRODUCERS GAS CO
8056192	19872	4210332119	103		W N WADDELL ET AL TR A NO 1125	SAND HILLS (JUDKINS)	239.0	M & T GATHERING
8056193	19873	4210332118	103		W N WADDELL ET AL TR B NO 1126	SAND HILLS (JUDKINS)	468.0	M & T GATHERING

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*H*M OIL CO					RECEIVED: 09/05/80 JA: TX			
8055975	16759	4248131809	103		HERMAN MAUCH #1 (MAUCH GAS UNIT #1)	WILDCAT (ABOVE 7300)	200.0	TENNESSEE GAS PIPELI
*HNG OIL COMPANY					RECEIVED: 09/05/80 JA: TX			
8056020	17782	4250530873	103		EUDOXIO MARTINEZ GU #2 73452	J C MARTIN (LOBO)	254.7	HOUSTON PIPE LINE CO
8056021	17783	4250530598	103		LAURO MARTINEZ #1 72247	J C MARTIN (LOBO)	920.0	HOUSTON PIPE LINE CO
8056126	19432	4247531882	103		TEXFEL 103 #3 25375	PITZER S (DELAWARE)	77.0	CLAJON INC
8055944	14911	4200530098	102		TUCKER #1 83295	ODELL CREEK (JAMES)	164.0	HOUSTON PIPE LINE CO
8055944	14911	4200530098	103		TUCKER #1 83295	ODELL CREEK (JAMES)	164.0	HOUSTON PIPE LINE CO
*HONDO DRILLING COMPANY					RECEIVED: 09/05/80 JA: TX			
8055918	09211	4238300000	108		BOYD #1 RRC LEASE NO 01692	SPRABERRY TREND AREA	10.4	UNION TEXAS PETROLEU
*HOOVER & BRACKEN ENERGIES					RECEIVED: 09/05/80 JA: TX			
8056225	20137	4221130936	102		CAMPBELL 1-36	CAMPBELL RANCH (GRANITE	36.5	NORTHERN NATURAL GAS
8056225	20137	4221130936	103		CAMPBELL 1-36	CAMPBELL RANCH (GRANITE	36.5	NORTHERN NATURAL GAS
*HUGHES & HUGHES					RECEIVED: 09/05/80 JA: TX			
8056086	19000	4228730236	103		LORENZ M SCHIMANK #1	GIDDINGS (AUSTIN CHALK)	19.8	CLAJON GAS CO
*INDEPENDENT EXPLORATION CO					RECEIVED: 09/05/80 JA: TX			
8055924	11224	4236731129	102		J M HARRISON-A #1-A 78657	BUCKNER (STRAWN)	105.0	JAMES P DUNIGAN INC
*INTEGRAL ENERGY CORP					RECEIVED: 09/05/80 JA: TX			
8055981	17008	4205730919	102		INTEGRAL ENERGY CORP ST TR 9 #1-A	PORT LAVACA E (7150) FIE	730.0	HOUSTON PIPELINE CO
8056022	17786	4205730934	103		INTEGRAL ENERGY CORP-ST TR 217 #1	GRASS ISLAND (SALURIA-E-	0.0	
*INTERCOASTAL OPERATING CO					RECEIVED: 09/05/80 JA: TX			
8056181	19741	4217500000	108		LULA SWICKHEIMER #2-A	SOUTH FANNIN (4200)	48.2	TRUNKLINE GAS CO
*J & J GAS PROPERTIES					RECEIVED: 09/05/80 JA: TX			
8055915	08376	4223300000	108		SALLIE PRITCHARD #1	PANHANDLE	11.0	PHILLIPS PET CO
8055914	08375	4223300000	108		SALLIE PRITCHARD #8	PANHANDLE	14.0	PHILLIPS PET CO
*J CLEO THOMPSON					RECEIVED: 09/05/80 JA: TX			
8056062	18160	4200300000	103		WEST MEANS UNIT TRACT 12 10	MEANS	4.0	PHILLIPS PETROLEUM C
8056040	18369	4200300000	103		WEST MEANS UNIT TRACT 29 WELL 15	MEANS	3.0	PHILLIPS PETROLEUM C
8056099	18464	4200300000	103		WEST MEANS UNIT TRACT 29 16	MEANS	73.0	PHILLIPS PETROLEUM C
*JAMES M FORGOTSON					RECEIVED: 09/05/80 JA: TX			
8056162	19473	4245900000	103		WILLIS J BUNN GAS UNIT NO 1	ROSEWOOD (HOSSTON-COTTON	110.0	ADVANCE TRANSPORT IN
*JAY-DEE PRODUCING CO					RECEIVED: 09/05/80 JA: TX			
8056042	18353	4206500000	103		BURNETT ESTATE #3	PANHANDLE	36.5	PHILLIPS PETROLEUM C
8056041	18354	4206500000	103		BURNETT F #7	PANHANDLE	73.0	PHILLIPS PETROLEUM C
8056043	18352	4206500000	103		BURNETT F #8	PANHANDLE	73.0	PHILLIPS PETROLEUM C
*JERRY E WYLIE OIL DRILLING COMPANY					RECEIVED: 09/05/80 JA: TX			
8055968	16509	4213331798	103		HIGGINBOTTOM #1	DUSTER NE (MARBLE FALLS	468.0	LONE STAR GAS CO
*JOHN DEETER					RECEIVED: 09/05/80 JA: TX			
8056161	19467	4235531429	103		KOENNING NO 1 (09347)	AGUA DULCE (6950)	17.0	HOUSTON PIPELINE CO
*JOHN W BARBEE					RECEIVED: 09/05/80 JA: TX			
8056207	20010	4239931205	103		SAM BROOKSHIRE NO 1	LOCO RICO (GARDNER A)	11.6	LONE STAR GAS CO
*KEITH D GRAHAM					RECEIVED: 09/05/80 JA: TX			
8056226	20184	4205130464	102		LACINA #1 ID-12576	GIDDINGS (AUSTIN CHALK)	223.0	CHAMPLIN PETROLEUM C
8056228	20195	4205130443	102		SCHULTZ-BATES UNIT #1 ID-12550	GIDDINGS (AUSTIN CHALK)	254.0	CHAMPLIN PETROLEUM C
8056227	20194	4205130440	102		WEICHERT UNIT #1 ID-12520	GIDDINGS (AUSTIN CHALK)	121.0	CHAMPLIN PETROLEUM C
*KERR-MCGEE CORPORATION					RECEIVED: 09/05/80 JA: TX			
8056083	19094	4221130709	103		CLARK NO 4	HEMPHILL GRANITE WASH	741.0	PIONEER NATURAL GAS
8056081	19097	4221131009	103		CLARK NO 5	HEMPHILL (GRANITE WASH)	894.0	PIONEER NATURAL GAS
8056091	18891	4229530732	103		EPPS NO 2	S W LIPSCOMB (CLEVELAND)	0.0	PHILLIPS PETROLEUM C
8056066	19091	4213533137	103		GIST A NO 21	FOSTER	3.0	ODESSA NATURAL CORP
8056085	19092	4213533138	103		GIST A NO 22	FOSTER	2.9	ODESSA NATURAL CORP
8056084	19093	4213533135	103		GIST A NO 23	FOSTER	2.0	ODESSA NATURAL CORP

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
8056182	19743	4213533130 103	GIST B NO 10	POSTER	2.0	ODESSA NATURAL CORP
8056080	19098	4221131011 103	NORRIS NO 5	HEMPHILL (GRANITE WASH)	356.0	PIONEER NATURAL GAS
8056082	19096	4221131066 103	NORRIS 44 NO 5	HEMPHILL (GRANITE WASH)	250.0	PIONEER NATURAL GAS
8056172	19592	4223330750 103	PITTS NO 85	PANHANDLE HUTCHINSON	22.0	GETTY OIL CO
8056173	19593	4223330751 103	PITTS NO 86	PANHANDLE HUTCHINSON	32.0	GETTY OIL CO
8056174	19594	4223330752 103	PITTS NO 87	PANHANDLE HUTCHINSON	22.0	GETTY OIL CO
8056079	19099	4229530710 103	ROYER NO 2	SW LIPSCOMB (CLEVELAND)	0.0	PHILLIPS PETROLEUM C
*KEY PRODUCTION COMPANY			RECEIVED: 09/05/80 JA: TX			
8055967	16475	4218330404 102	HENDERSON-FINCH 1	ALPINE (TRAVIS PEAK)	0.0	ARKANSAS LOUISIANA G
8055967	16475	4218330404 103	HENDERSON-FINCH 1	ALPINE (TRAVIS PEAK)	0.0	ARKANSAS LOUISIANA G
*L R SPRADLING			RECEIVED: 09/05/80 JA: TX			
8055895	05758	4217900000 108	M C DOSS #14	PANHANDLE	1.9	PHILLIPS PETROLEUM C
*LADD PETROLEUM CORPORATION			RECEIVED: 09/05/80 JA: TX			
8056154	19260	4236731491 103	BLAIR UNIT NO 1-C	TOTO (STRAWN)	215.0	LONE STAR GAS CO
*LEEDE OIL & GAS INC			RECEIVED: 09/05/80 JA: TX			
8056093	18766	4210532507 103	UNIVERSITY 508 #1	FARMER (SANANDRES)	4.0	J L DAVIS
*MASON ENERGIES INC			RECEIVED: 09/05/80 JA: TX			
8055961	16253	4214330351 102	SKILES 1 - API #42-143-30351		72.0	
*MCCULLOCH OIL CORP OF TEXAS			RECEIVED: 09/05/80 JA: TX			
8055880	0252	4221130098 108	MATHERS RANCH NO 7	HUMPHREYS-DOUGLAS	18.0	ARKANSAS LOUISIANA G
*MERIDIAN OIL CORP			RECEIVED: 09/05/80 JA: TX			
8056092	18768	4211531274 103	T M LATHAM ESTATE A NO 2	TEX-HAMON (DEAN)	9.0	GETTY OIL CO
*MESA PETROLEUM			RECEIVED: 09/05/80 JA: TX			
8056056	18246	4243130808 103	COLE 1-32	W A M (FUSSELMAN)	200.0	ESPERANZA PIPELINE C
8056055	18247	4243130736 103	FOSTER 1-8	CONGER (PENN)	365.0	ESPERANZA PIPELINE C
*NEWBOURNE OIL COMPANY			RECEIVED: 09/05/80 JA: TX			
*8056160	19464	4229530669 103	PUNDT ID #85567	LIPSCOMB S W (CLEVELAND)	96.0	NORTHERN NATURAL GAS
*NGF OIL CORP			RECEIVED: 09/05/80 JA: TX			
8056196	19924	4211531322 103	ADAMS NO 1	ACKERLY (DEAN SAND)	18.3	TEXACO INC
8056195	19923	4249503116 103	UNIVERSITY 43 W NO 1	WAR-WINK (DELAWARE 5085)	14.6	LONE STAR GAS CO
*MITCHELL ENERGY CORPORATION			RECEIVED: 09/05/80 JA: TX			
8056064	19058	4236731732 103	C L CAVNESS #2 #85083	REND (CONGLOMERATE)	15.0	NATURAL GAS PIPELINE
8055957	16058	4249700000 108	C T MCMURRAY #1 30716	BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPELINE
8055955	15827	4249731516 103	D P EVERETT #2 19776	ALVORD (ATOKA)	60.0	NATURAL GAS PIPELINE
8055994	17315	4249731519 103	DEAVER CADDO CONGL UNIT #3-1	ALVORD (CADDO CONGL)	50.0	NATURAL GAS PIPELINE
8055958	16060	4249700000 108	ED CARAWAY #1 31056	BOONSVILLE (BEND CONGL G	14.0	NATURAL GAS PIPELINE
8055974	16753	4249731568 103	G W RAMSEY #4 ID#N/A	BOONSVILLE (BEND CONGL G	195.0	NATURAL GAS PIPELINE
8055938	14488	4236731577 102	J G PEIPELMAN #2-T	LAKE MINERAL WELLS (4646	350.0	NATURAL GAS PIPELINE
8056063	19059	4243930122 103	JACK G WILKINSON #1	LAKE WORTH (PENN 5590)	40.0	
8056010	18019	4223732733 103	MARY E LINDSEY #2 ID#N/A	JACK COUNTY REGULAR	10.0	
8056025	17867	4229330408 103	QUINN ESTATE #1 79551	POKEY E (COTTON VALLEY)	500.0	SOUTHWESTERN GAS PIP
8056204	04170	4249700000 108	R D GRANTHAM #1 28661	BOONSVILLE BEND CONG	10.4	NATURAL GAS PIPELINE
8055939	14489	4236731566 102	SARAH J HOWARD #2-T	LAKE MINERAL WELLS (4526	800.0	NATURAL GAS PIPELINE
8055982	17072	4249700000 108	T J TINNEY A #2 15111	ALVORD (ATOKA CONGL)	9.0	NATURAL GAS PIPELINE
8056203	004130	4249700000 108	W A STOKES #1 44101	BOONSVILLE BEND CONG	12.1	NATURAL GAS PIPELINE
*MOBIL OIL CORP			RECEIVED: 09/05/80 JA: TX			
8055889	04929	4224930541 102	C F H BLUCHER B NO 3 (ID 72954)	LOHMAN DEEP (8 SAND)	73.0	NATURAL GAS PIPELINE
8055995	17319	4200331853 103	ELIZABETH ARMSTRONG D NO 4	SHAFTER LAKE SAN ANDRES	16.0	PHILLIPS PETROLEUM C
*8056032	17876	4247531615 103	GRAHAM J NO 3	CAPRITO (DELAWARE MIDDLE	279.0	LONE STAR GAS CO
*8056031	17875	4247531845 103	GRAHAM J NO 4	CAPRITO (DELAWARE MIDDLE	54.7	LONE STAR GAS CO
*8056030	17874	4247531745 103	GRAHAM J NO 5	CAPRITO (DELAWARE MIDDLE	236.5	LONE STAR GAS CO
*8056029	17873	4247531744 103	GRAHAM J NO 6	CAPRITO (DELAWARE MIDDLE	78.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME
*8056028	17872	4247531743	103		GRAHAM J NO 7
8056201	01587	4204700000	108		LA GLORIA SOUTH GAS UNIT NO 28
8056001	17498	4233531488	103		MARY FOSTER NO 121
8056002	17499	4233531505	103		MARY FOSTER NO 122
8056003	17500	4233531506	103		MARY FOSTER NO 123
8055962	16298	4246100000	108		PEGASUS PENNSYLVANIAN UNIT #56-2
*8056026	17870	4247531785	103		STATE AG NO 1
*8056027	17871	4247531784	103		STATE AG NO 2
*8055996	17387	4247531867	103		STATE AG NO 3
-MORAN EXPLORATION INC					RECEIVED: 09/05/80 JA: TX
8055988	17211	4238330162	108		ROCKER B-4 #28
8055989	17212	4238330163	108		ROCKER B-4 #29
8055990	17213	4238330164	108		ROCKER B-4 #30
8055991	17215	4238330131	108		ROCKER B-4 #32
8055992	17216	4238330133	108		ROCKER B-4 #33
-MURJO OIL & ROYALTY CO					RECEIVED: 09/05/80 JA: TX
8055983	17104	4220330520	103		J D FURRH ET AL RRC# 82531
-MUSTANG EXPLORATION CO INC					RECEIVED: 09/05/80 JA: TX
8056004	17502	4248131855	103		HARFST #11
-MWJ PRODUCING COMPANY					RECEIVED: 09/05/80 JA: TX
8056175	19598	4217331016	103		TXL 19 #2
-NATIONAL COOP REFINERY ASSOC					RECEIVED: 09/05/80 JA: TX
8055956	16019	4237132698	103		MYRON A SMITH D #1
-NORTH CENTRAL OIL CORPORATION					RECEIVED: 09/05/80 JA: TX
8055917	08401	4249700000	108		A P DEATON #1
8055916	08400	4249700000	108		J DETHLOFF #1
-OMEGA PETROLEUM CORP					RECEIVED: 09/05/80 JA: TX
8055921	10376	4223732213	102		WIMBERLY NO 1 (RRC ID 80479)
-OWL PETROLEUM CO					RECEIVED: 09/05/80 JA: TX
8056197	19926	4223900000	103		WILLIAM BORCHERS NO 1-T
-PARAFFINE OIL CORP					RECEIVED: 09/05/80 JA: TX
8056033	17899	4205730943	102		P H WELDER B NO 5L
8056033	17899	4205730943	103		P H WELDER B NO 5L
-PARKER & PARSLEY INC					RECEIVED: 09/05/80 JA: TX
8056194	19877	4232930864	103		FASKEN E NO 1
-PAUL E CAMERON JR INC					RECEIVED: 09/05/80 JA: TX
8056208	20012	4246900000	102		ROSIE WILLEMIN #2 ID #85756
-PEARSON-SIBERT OIL CO OF TEXAS					RECEIVED: 09/05/80 JA: TX
8056023	17796	4208100000	108		MILLICAN REEF UNIT #8-B
-PENINSULA RESOURCES CORPORATION					RECEIVED: 09/05/80 JA: TX
8056057	18235	4247930434	108		BARREDA MARIA 1-A #57490
-PHILIP B BERRY P/A NO 2					RECEIVED: 09/05/80 JA: TX
8056206	09044	4242700000	108		HELENE LYONS #1
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 09/05/80 JA: TX
8055997	17421	4200304647	108		(01270) UNIV ANDREWS NO 100
*8055971	16732	4200304785	108		(01270) UNIV ANDREWS NO 78
8056058	18210	4200304783	108		(01270) UNIVERSITY ANDREWS NO 74
8055928	13568	4213504598	108		(16750) SLAT NO 10
8056189	19808	4213506089	108		(18713) GLDS ADOBE UNIT NO 30-01
8056190	19809	4213505788	108		(18713) GLDS ADOBE UNIT NO 42-01
8056187	19806	4213520237	108		(21556) N PENWELL UNIT NO 152
8056188	19807	4213508200	108		(21556) N PENWELL UNIT NO 77
8056059	18208	4213520483	108		(21556) NORTH PENWELL UNIT NO 165

FIELD NAME	PROD	PURCHASER
CAPRITO (DELAWARE MIDDLE	60.5	LONE STAR GAS CO
LA GLORIA/LOMA BLANCA	7.7	NATURAL GAS PIPELINE
IATAN E HOWARD	0.4	GETTY OIL CO
IATAN E HOWARD	0.4	GETTY OIL CO
IATAN E HOWARD	0.4	GETTY OIL CO
PEGASUS PENNSYLVANIAN	0.1	EL PASO NATURAL GAS
CAPRITO (DELAWARE MIDDLE	73.0	LONE STAR GAS CO
CAPRITO (DELAWARE MIDDLE	219.0	LONE STAR GAS CO
CAPRITO (MIDDLE DELAWARE	42.5	LONE STAR GAS CO
SPRABERRY (TREND AREA)	9.1	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	9.1	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	9.1	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	9.1	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	9.1	NORTHERN NATURAL GAS
ELYSIAN (TRAVIS PEAK)	146.0	UNITED GAS PIPELINE
TRANS-TEX (2600)	185.0	TEX-GULF PIPE LINE C
SPRABERRY TREND AREA	83.0	TEXACO INC
APCO-WARNER WEST (WICHIT	182.0	DELHI GAS PIPELINE C
BOONESVILLE BEND CONGLOM	8.0	NATURAL GAS PIPELINE
BOONESVILLE BEND CONGLOM	16.0	NATURAL GAS PIPELINE
LUNDY (CONGL)	210.0	NATURAL GAS PIPELINE
MCDANIEL (3100)	45.0	TEXAS EASTERN TRANSM
HEYSER SE (8080)	365.0	FLORIDA GAS TRANSMIS
HEYSER SE (8080)	365.0	FLORIDA GAS TRANSMIS
SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
RAISIN (2700)	292.0	HOUSTON PIPELINE CO
MILLICAN (STRAWN REEF)	14.0	EL PASO NATURAL GAS
BOOTH RANCH (OLMOS)	6.0	TEJAS GAS CORP
CAMERON FIELD	7.0	TENNESSEE GAS PIPELI
EMBAR (PERMIAN)	19.0	EL PASO NATURAL GAS
EMBAR (PERMIAN)	12.0	EL PASO NATURAL GAS
EMBAR (PERMIAN)	19.0	EL PASO NATURAL GAS
TXL (DEVONIAN)	7.3	SHELL OIL CO
GOLDSMITH (5600)	1.0	EL PASO NATURAL GAS
GOLDSMITH (5600)	2.0	SHELL OIL CO
PENWELL	5.0	EL PASO NATURAL GAS
PENWELL	4.0	EL PASO NATURAL GAS
PENWELL	3.0	EL PASO NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055950	15788	4221131110	102		HUMPHREYS D NO 1	TWISTER (DOUGLAS)	128.0	PANHANDLE EASTERN PI
8056168	19523	4242100000	108		JUDD-A #1	STRATFORD	17.0	TRANSWESTERN PIPELIN
*8055969	16603	4223330706	103		KINNEY NO 2	WEST PANHANDLE	47.4	EL PASO NATURAL GAS
*PLEMONS ENTERPRISES					RECEIVED: 09/05/80 JA: TX			
8056024	17798	4206500000	103		SANFORD C #4	PANHANDLE	912.5	PHILLIPS PETROLEUM C
*RAIDER OIL CORP					RECEIVED: 09/05/80 JA: TX			
8055999	17463	4224931083	103		G A FRANKE	TSESMELIS	0.0	VALLEY GAS TRANSMISS
*REMUDA OIL & GAS CO					RECEIVED: 09/05/80 JA: TX			
8055970	16635	4241300000	108		V J POWELL NO 1	TILLERY (STRAWN SAND)	16.0	ARCO OIL & GAS CO
*SAXON OIL COMPANY					RECEIVED: 09/05/80 JA: TX			
8056155	19323	4238331447	103		BROWN NO 2	SPRABERRY (TREND AREA)	15.7	NORTHERN NATURAL GAS
8056118	19324	4238331448	103		BROWN NO 3	SPRABERRY (TREND AREA)	14.2	NORTHERN NATURAL GAS
8056119	19325	4238331449	103		HARTGROVE B NO 2	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
8056167	19513	4238331482	103		HIRT NO 1	CALVIN (DEAN)	58.4	UNION TEXAS PETROLEU
*SHELL OIL CO					RECEIVED: 09/05/80 JA: TX			
8055907	06969	4218130602	103		BIG MINERAL CREEK -S- SAND UNIT 338	BIG MINERAL CREEK (S SDS	5.0	UNION TEXAS PETROLEU
8055908	06970	4218130603	103		BIG MINERAL CREEK -S- SAND UNIT 339	BIG MINERAL CREEK (S SNS	10.0	UNION TEXAS PETROLEU
8055929	13871	4250131683	103		DENVER UNIT 3535	WASSON	17.0	SHELL OIL CO & COLTE
8055930	13872	4216531573	103		DENVER UNIT 6536	WASSON	105.9	SHELL OIL COMPANY &
8055931	13873	4216531560	103		DENVER UNIT 6821	WASSON	45.3	SHELL OIL CO & COLTE
8055927	13512	4250131548	103		DENVER UNIT 6822	WASSON	62.0	SHELL OIL CO AND COL
8056191	19812	4221530932	103		WOODS CHRISTIAN NO 20	MCALLEN RANCH (VICKSBURG	600.0	SOUTH TEXAS NATURAL
*STERLING CO					RECEIVED: 09/05/80 JA: TX			
*8056018	18086	4241300000	103		HERTZ #1-A-81841	HERTZ-HAMILL (STRAWN)	250.0	LONE STAR GAS CO
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 09/05/80 JA: TX			
8056152	19269	4249731551	103		R H PHILLIPS A NO 2	BOONSVILLE (BEND CONGLOM	347.0	NATURAL GAS PIPELINE
8056153	19265	4216700000	103		ZINN AND FORMAN NO 19	CAPLEN	547.0	TEXAS GAS PIPE LINE
*TARTAN PRODUCTION CO					RECEIVED: 09/05/80 JA: TX			
8055923	11045	4240931302	102		BERRY B NO 2	BERRY (6100 B) PROPOSED	272.0	TEXAS EASTERN TRANSM
8056011	18024	4240900000	102		BERRY B NO 3	BERRY (6100 E)	220.0	TEXAS EASTERN TRANSM
8055922	11041	4215730955	103		KUCHERKA-KENNELLY UNIT NO 1	HUNGERFORD E (MIOCENE 30	365.0	HOUSTON PIPELINE CO
*TEPCO ENGINEERING INC					RECEIVED: 09/05/80 JA: TX			
8056103	19175	4224931080	103		W J SEIDEL C NO 1	QUINTO CREEK (4000) FIEL	75.0	VALLEY GAS TRANSMISS
*TEXACO INC					RECEIVED: 09/05/80 JA: TX			
8055897	05888	4248300000	108		T H MORGAN B #2	PANHANDLE EAST	15.3	EL PASO NATURAL GAS
8055948	15365	4226130437	103		YTURRIA L&C NCT-2 WELL #40	CABAZOS (LM-15 LOWER)	730.0	TENNESSEE GAS PIPELI
*TEXAS INTERNATIONAL PET CORP					RECEIVED: 09/05/80 JA: TX			
8056102	19372	4233531203	103		EDWIN PARKS #10	DIXON (ODOM LIME) W/C	55.0	SUN GAS CO
8056112	19373	4233531239	103		EDWIN PARKS #11	DIXON (ELLENBERGER)	10.0	SUN GAS CO
8056113	19374	4233531270	103		EDWIN PARKS #12	DIXON (ODOM LIME)	55.0	SUN GAS CO
8056107	19367	4233531163	103		EDWIN PARKS #5	DIXON (STRAWN)	18.0	SUN GAS CO
8056108	19368	4233531164	103		EDWIN PARKS #6	DIXON (STRAWN)	8.0	SUN GAS CO
8056109	19369	4233531177	103		EDWIN PARKS #7	DIXON (STRAWN)	17.0	SUN GAS CO
8056101	19371	4233531202	103		EDWIN PARKS #9	DIXON (ELLENBERGER)	8.0	SUN GAS CO
8056122	19377	4208130597	103		M C HENDRY #2	JAMESON (STRAWN)	17.0	SUN GAS CO
8056106	19364	4208130662	103		M C HENDRY #4	JAMESON (STRAWN)	60.0	SUN GAS CO
*TEXAS OIL & GAS CORP					RECEIVED: 09/05/80 JA: TX			
8055945	15013	4229500000	102		BORN C #1	MAY (BASAL MORROW)	1500.0	NORTHERN NATURAL GAS
8056114	19447	4226130541	102		ERCK NO 20	MCGILL (10010)	360.0	DELHI GAS PIPELINE C
8056184	19768	4220330500	103		JONES I #1	WASKOM	0.0	
8056000	17467	4229500000	102		PINCKARD B #1	DARREN (MORROW MIDDLE)	91.0	TRANSWESTERN PIPELIN
8056127	19433	4220300579	103		SANDERS A #1	WASKOM	0.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
•TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 09/05/80 JA: TX			
8056220	20111	4221932748	103		CENTRAL LEVELLAND UNIT #234	LEVELLAND	4.7	AMOCO PRODUCTION CO
8056222	20113	4221932747	103		CENTRAL LEVELLAND UNIT #235	LEVELLAND	4.4	AMOCO PRODUCTION CO
8056223	20114	4221932743	103		CENTRAL LEVELLAND UNIT #239	LEVELLAND	3.7	AMOCO PRODUCTION CO
8056151	19275	4221932730	103		CENTRAL LEVELLAND UNIT #241	LEVELLAND	1.6	AMOCO PRODUCTION CO
8056221	20112	4221932742	103		CENTRAL LEVELLAND UNIT #246	LEVELLAND	8.0	AMOCO PRODUCTION CO
8056095	18523	4221932704	103		SOUTHEAST LEVELLAND UNIT #247	LEVELLAND	9.2	AMOCO PRODUCTION CO
•THE ARD DRILLING COMPANY INC					RECEIVED: 09/05/80 JA: TX			
8055881	01197	4207930794	103		D S WRIGHT B NO 5	LEVELLAND (SAN ANDRES)	132.0	EL PASO NATURAL GAS
8055883	01210	4207930850	103		D S WRIGHT G NO 11	LEVELLAND (SAN ANDRES)	26.0	EL PASO NATURAL GAS
8055888	04655	4207931023	103		D S WRIGHT G NO 17	LEVELLAND (SAN ANDRES)	55.0	EL PASO NATURAL GAS
8055882	01204	4207930536	103		D S WRIGHT G NO 4	LEVELLAND (SAN ANDRES)	72.0	EL PASO NATURAL GAS
8055886	03008	4207930873	103		D S WRIGHT G NO 8	LEVELLAND (SAN ANDRES)	128.0	EL PASO NATURAL GAS
8055884	01213	4207930793	103		D S WRIGHT H NO 3	LEVELLAND (SAN ANDRES)	145.0	EL PASO NATURAL GAS
8055885	01215	4207930792	103		D S WRIGHT J NO 2	LEVELLAND (SAN ANDRES)	120.0	EL PASO NATURAL GAS
•THE MAURICE L BROWN COMPANY					RECEIVED: 09/05/80 JA: TX			
8055949	15540	4220300000	108		BLOCKER - WARE GAS UNIT #2	BETHANY	18.0	UNITED GAS PIPE LINE
•THOMAS D COFFMAN					RECEIVED: 09/05/80 JA: TX			
8056139	19205	4214930343	103		NULL #1-049820	GIDDINGS (AUSTIN CHALK)	800.0	W WILSON CORP
8056140	19204	4214930365	103		NULL #2-A #055380	GIDDINGS (AUSTIN CHALK)	600.0	W WILSON CORP
•TOM BROWN INC					RECEIVED: 09/05/80 JA: TX			
8056017	18075	4246131456	103		NEAL-FLUOR #D-1	BENEDUM (SPRABERRY)	17.9	EL PASO NATURAL GAS
•TOMMY LITTLEPAGE					RECEIVED: 09/05/80 JA: TX			
8056183	19747	4250300000	103		BERRY #19571	VICTORIA (3100)	40.0	LFWTEX OIL & GAS CO
•TRINITY OIL & GAS CORP					RECEIVED: 09/05/80 JA: TX			
8056145	19302	4213331745	103		BAR H BAR #3 #15549	WILDCAT	54.0	REISS PETROLEUM INC
•U S RESOURCES INC					RECEIVED: 09/05/80 JA: TX			
8055946	15153	4228730498	103		JULIE #1	GIDDINGS (AUSTIN CHALK)	180.0	PGP GAS PRODUCTS INC
•UNION OIL COMPANY OF CALIF					RECEIVED: 09/05/80 JA: TX			
8055951	15792	4221131073	102		S G SMITH #1-38	BRISCOE (MORROW)	912.0	EL PASO NATURAL GAS
8055951	15792	4221131073	103		S G SMITH #1-38	BRISCOE (MORROW)	912.0	EL PASO NATURAL GAS
8056163	19477	4210532497	103		UNIVERSITY BB #8	FARMER (SAN ANDRES)	0.5	BIG LAKE GASOLINE PL
8056164	19478	4210532496	103		UNIVERSITY DD #5	FARMER (SAN ANDRES)	5.0	BIG LAKE GASOLINE PL
•UNION TEXAS PETROLEUM					RECEIVED: 09/05/80 JA: TX			
8056098	18465	4223531339	103		FARMAR 48-10 NO 1	ROCK PEN (CANYON)	64.0	CRA INC
•VANDERBILT RESOURCES CORPORATION					RECEIVED: 09/05/80 JA: TX			
8055964	16427	4248131787	102		RAUN GAS UNIT NO 2-T	STOCKTON (CATAHOULA)	260.0	TENNESSEE GAS PIPELI
•VERNON E FAULCONER					RECEIVED: 09/05/80 JA: TX			
8055963	16354	4223300000	108		WM YAKE C RRC ID #30757	WEST PANHANDLE (RED CAVE	2.1	PANHANDLE EASTERN PI
•WAINOCO OIL & GAS CO					RECEIVED: 09/05/80 JA: TX			
8056165	19509	4221530964	103		A M CARDENAS ET AL NO 1	SAN SALVADOR (8600)	291.8	TENNESSEE GAS PIPELI
•WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 09/05/80 JA: TX			
8056219	20066	4210300000	103		J B TUBB B TR A NO 52	SAND HILLS (JUDKINS)	12.0	EL PASO NATURAL GAS
8056166	19510	4210332077	103		J V TERRILL A TR C NO 11(TUBB)	SAND HILLS (TUBB)	18.0	EL PASO NATURAL GAS
8056169	19514	4210332077	103		J V TERRILL A TR C NO 11(JUDKINS)	SAND HILLS (JUDKINS)	37.0	EL PASO NATURAL GAS
8055936	14482	4210300000	108		TEXAS GG NO 4	DUNE	1.6	EL PASO NATURAL GAS
8055937	14483	4210300000	108		TEXAS II NO 2	UNIVERSITY WADDELL (PENN	1.0	EL PASO NATURAL GAS
8055993	17270	4210332058	103		W N WADDELL ET AL NO 1120	SAND HILLS (JUDKINS)	101.0	EL PASO NATURAL GAS
•WESTERN CON-TEX CORP					RECEIVED: 09/05/80 JA: TX			
8056135	19230	4208331514	103		FRANKE UNIT #1 ID-14652	CONSER-MURPHY (CROSS CUT	63.0	ODESSA NATURAL CORP
8056136	19229	4208331568	103		FRANKE UNIT #3 #3 ID-14819	CONSER-MURPHY (CROSS CUT	56.0	ODESSA NATURAL CORP
8056137	19227	4208331569	103		FRANKE UNIT II #2 ID-15011	CONSER-MURPHY (CROSS CUT	10.0	ODESSA NATURAL CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	VOLUME 285	PAGE 010	
						FIELD NAME	PROD	PURCHASER
8056130	19231	4208331638	103		FRANKE UNIT NO 8 #4 ID=14982	CONSER=MURPHY (CROSS CUT	14.0	ODESSA NATURAL CORP
8056138	19226	4208331613	103		MCCORD #2 ID=15250	CONSER=MURPHY (CROSS CUT	12.0	ODESSA NATURAL CORP
*WM GRUENERWALD & ASSOC INC		RECEIVED: 09/05/80 JA: TX						
8055906	06950	4233900000	103		DENSON TRUST #C1=48 04340	PANHANDLE MOORE COUNTY	3.9	PANHANDLE EASTERN PI
8055899	06907	4223300000	103		DENSON TRUST #E1=48 04288	PANHANDLE MOORE COUNTY	10.7	PANHANDLE EASTERN PI
8055905	06949	4233900000	103		DENSON TRUST #E3=48 04288	PANHANDLE MOORE COUNTY	3.8	PANHANDLE EASTERN PI
8055901	06944	4223300000	103		MASTERSON #H10R 03947	PANHANDLE (RED CAVE)	62.3	COLORADO INTERSTATE
8055904	06947	4233900000	103		MASTERSON #H6R 03947	PANHANDLE (RED CAVE)	6.0	COLORADO INTERSTATE
8055902	06945	4223300000	103		MASTERSON #H7R 03947	PANHANDLE (RED CAVE)	79.4	COLORADO INTERSTATE
8055903	06946	4223300000	103		MASTERSON #H8R 03947	PANHANDLE (RED CAVE)	36.3	COLORADO INTERSTATE
8055900	06936	4223300000	103		MASTERSON #H9R 03947	PANHANDLE (RED CAVE)	63.4	COLORADO INTERSTATE
*NOOD MCSHANE & THAMS		RECEIVED: 09/05/80 JA: TX						
8056199	00375	4200339066	108		CREWS & MAST A #1 RRC #68274	BLOCK A=34 (YATES)	1.9	EL PASO NATURAL GAS
8056038	18406	4216531169	108		SIMPSON RRC #75069	BLOCK A=34 (YATES)	0.8	EL PASO NATURAL GAS

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Other Purchasers—Volume No. 285

8055913—Breckenridge Gasoline Co.
8055934—Amoco Gas Co.
8055952—Coltexo Corp.
8055953—Coltexo Corp.
8055954—Coltexo Corp.
8055969—Panhandle Eastern Pl Co.
8055971—Panhandle Eastern Pl Co.
8055996—Intratex Gas Co.
8056008—El Paso Nat Gas Co.
8056012—El Paso Natural Gas Co.
8056013—El Paso Nat Gas Co.
8056014—El Paso Nat Gas Co.
8056015—El Paso Nat Gas Co.
8056016—El Paso Nat Gas Co.
8056018—Intratex Gas Co.
8056026—Intratex Gas Co.
8056027—Intratex Gas Co.
8056028—Intratex Gas Co.
8056029—Intratex Gas Co.
8056030—Intratex Gas Co.
8056031—Intratex Gas Co.
8056032—Intratex Gas Co.
8056104—Northern Natural Gas Co.
8056105—Northern Natural Gas Co.
8056123—Texas Eastern Transmission Co.
8056160—Delhi Gas Pipeline Corp.
8056209—Northern Natural Gas Co.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commissions's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1980.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-30143 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 287]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 24, 1980.

BILING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION							
*TOPAZ OIL & GAS				RECEIVED: 09/04/80 JA: MT			
8056451	7-80-178	2507121716	103	#1 SCHEELE	ROWDOIN	45.0	MONTANA-DAKOTA UTILI
8056452	7-80-179	2507121715	103	#2 SCHEELE	ROWDOIN	50.0	MONTANA-DAKOTA UTILI
WEST VIRGINIA DEPARTMENT OF MINES							
*APOLLO PETROLEUM CORP				RECEIVED: 09/08/80 JA: WV			
8056442		4700100492	108	E D PAUGH #238	UNION	7.2	CONSOLIDATED GAS SUP
8056444		4700100491	108	ELSIE MALCOMB #239	PHILLIPI	4.9	CONSOLIDATED GAS SUP
8056443		4700100493	108	ELSIE MALCOMB #240	PHILLIPI	4.9	CONSOLIDATED GAS SUP
8056440		4700100513	108	JR G LANTZ #254	PHILLIPI	4.4	CONSOLIDATED GAS SUP
8056447		4703902544	108	L UPDEGRAFT #365	ELK	6.1	COLUMBIA GAS TRANS C
8056448		4703902585	108	L UPDEGRAFT #415	ELK	3.1	COLUMBIA GAS TRANS C
8056449		4703902586	108	L UPDEGRAFT #416	ELK	3.1	COLUMBIA GAS TRANS C
8056439		4700100522	108	ORPHA HUDKINS 258	ELK	3.1	CONSOLIDATED GAS SUP
8056441		4700100511	108	PEARLE MALCOLM #250	PHILLIPI	3.9	CONSOLIDATED GAS SUP
8056450		4703902589	108	QUEEN LAND #418	ELK	3.1	COLUMBIA GAS TRANS C
8056445		4700100485	108	R DICKERSON #217	PHILLIPI	4.7	CONSOLIDATED GAS SUP
8056446		4700100458	108	V WINSLOW #197	UNION	2.3	CONSOLIDATED GAS SUP
*BAKER DEVELOPMENT				RECEIVED: 09/08/80 JA: WV			
8056416		4709500409	108	ADALONE MARCH #1	MARSH LEASE	2.5	EQUITABLE GAS CO
8056427		4701700407	108	ROBERT POWELL #1	ROBERT POWELL LEASE	2.9	EQUITABLE GAS CO
*CANBE EXPLORATION CO				RECEIVED: 09/08/80 JA: WV			
8056426		4708502639	108	BURL & MAX DODD #2639	CLAY DISTRICT	0.3	CARNEGIE NAT GAS CO
*CHRISMAN DRILLING COMPANY				RECEIVED: 09/08/80 JA: WV			
8056422		4703321073	108	C D ROBINSON 3	EAGLE	16.0	EQUITABLE GAS CO
8056420		4700721133	108	L J SMITH 4	OTTER	10.0	EQUITABLE GAS CO
8056421		4703321003	108	W D COFFMAN 4	EAGLE	22.5	EQUITABLE GAS CO
*CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 09/08/80 JA: WV			
8056407		4710900390	108	J KENNA HATFIELD 9828	PINEVILLE FIELD AREA A-5	6.0	GENERAL SYSTEM PURCH
8056423		4702101108	108	LOUIS BENNETT 10170	WEST VIRGINIA OTHER A-85	20.0	GENERAL SYSTEM PURCH
*D C MALCOLM INC				RECEIVED: 09/08/80 JA: WV			
8056429	56429	4701900036	108	DEITZ COLLIERY CO #59	GAULEY MOUNTAIN	10.0	CABOT CORP
8056430		4701900037	108	DEITZ COLLIERY CO #60	GAULEY MOUNTAIN	1.0	CABOT CORP
8056431		4701900038	108	DEITZ COLLIERY CO #61	GAULEY MOUNTAIN	1.0	CABOT CORP
*DEVON CORPORATION				RECEIVED: 09/08/80 JA: WV			
8056425		4703902354	108	#780 IRENE M VANDINE #3	ROCKY FORK	9.0	COLUMBIA GAS TRANSMI
8056424		4703501191	108	#791 LOSS WAYBRIGHT	NORTH RIPLEY	0.7	COLUMBIA GAS TRANSMI
*FORT COLLINS CONSOL ROY INC				RECEIVED: 09/08/80 JA: WV			
8056417		4705900766	108	RUSH TRENT #1	GUYAN	2.5	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*INDUSTRIAL GAS CORPORATION					RECEIVED: 09/08/80 JA: WV			
8056432		4700500481	108		ALLEN & PRYOR 30-590	MADISON	0.6	HOUDAILLE INDUSTRIES
8056437		4709900048	108		HOARD BALDWIN 18-517	STONEWALL	1.1	HOUDAILLE INDUSTRIES
8056435		4709900416	108		KOONCE-ZIMMERMAN 6-736	WAYNE	1.0	HOUDAILLE INDUSTRIES
8056419		4700500656	108		SILER COAL LAND CO 13-684	MADISON	0.7	HOUDAILLE INDUSTRIES
8056434		4709900050	108		WILSON COAL LAND CO 16-531	LINCOLN	1.1	HOUDAILLE INDUSTRIES
8056438		4709900001	108		WILSON COAL LAND CO 4-522	LINCOLN	2.1	HOUDAILLE INDUSTRIES
8056436		4709900560	108		WILSON COAL LAND CO 47-771	LINCOLN	2.1	HOUDAILLE INDUSTRIES
8056433		4709901500	108		WILSON COAL LAND CO 90-1205	NAUGATUCK	1.3	HOUDAILLE INDUSTRIES
*MCINTOSH AND GRIMM					RECEIVED: 09/08/80 JA: WV			
8056411		4701300108	108		A HARDMAN NO 3	LEE	5.0	CONSOLIDATED GAS SUP
*PENNZOIL COMPANY					RECEIVED: 09/08/80 JA: WV			
8056428		4704301808	108		HILBERT ESTATE NO 3	DUVAL	2.7	COLUMBIA GAS TRANSMI
8056414		4704301781	108		HORSE CREEK C -ADKINS UNIT #1	DUVAL	2.3	COLUMBIA GAS TRANSMI
8056410		4704301726	108		HORSE CREEK TRACT B #1	DUVAL	3.9	COLUMBIA GAS TRANSMI
8056413		4704301768	108		HORSE CREEK TRACT C #5	DUVAL	3.0	COLUMBIA GAS TRANSMI
8056409		4704301722	108		NUNN S W NO 2	DUVAL	1.8	COLUMBIA GAS TRANSMI
8056412		4704301727	108		RAKERD TRUMAN L NO 1	DUVAL	6.6	COLUMBIA GAS TRANSMI
8056408		4704301710	108		SWEETLAND LAND & MINERAL CO #13	DUVAL	0.8	COLUMBIA GAS TRANSMI
8056415		4704301799	108		WOOD UNIT 1 NO 1	DUVAL	4.0	COLUMBIA GAS TRANSMI
*RAY RESOURCES CORP					RECEIVED: 09/08/80 JA: WV			
8056418		4701500989	108		C A BOGGS #470	ATTER DIST	0.1	COLUMBIA GAS TRANS C
*THE MUTUAL OIL & GAS COMPANY					RECEIVED: 09/08/80 JA: WV			
8056406		4708720752	108	D	WEBB #1	CLOVER RUSH RUN	0.0	CONSOLIDATED GAS SUP
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA								
*AMOCO PRODUCTION CO					RECEIVED: 09/08/80 JA: LA 3			
8056465	G0-1414	1770920043	102		OCS-0572 WELL NO A-6	EUGENE ISLAND	1750.0	TRANSCONTINENTAL GAS
*CHEVRON U S A INC					RECEIVED: 09/08/80 JA: LA 3			
8056488	G0-1526	1771040752	102		OCS-G-2108 #8-9	EUGENE ISLAND	1000.0	NATURAL GAS PIPELINE
8056477	G0-1477	1770640302	102		OCS-G-3136 #A-9	VERMILION	1168.0	COLUMBIA GAS TRANSMI
8056478	G0-1478	1770640306	102		OCS-G-3137 #A-5	VERMILION	1145.0	COLUMBIA GAS TRANSMI
8056483	G0-1492	1770640305	102		OCS-G-3137 #A-6	VERMILION	876.0	COLUMBIA GAS TRANSMI
8056484	G0-1495	1770640303	102		OCS-G-3137 #A-8	VERMILION	124.1	COLUMBIA GAS TRANSMI
*CNG PRODUCING COMPANY					RECEIVED: 09/08/80 JA: LA 3			
8056457	G0-1123	1771240226	102	D	A-1081	SHIP SHOAL	1460.0	TENNESSEE GAS PIPELI
8056455	G0-1120	1771240213	102	D	A-681	SHIP SHOAL	1460.0	TENNESSEE GAS PIPELI
8056456	G0-1122	1771240222	102	D	A-982	SHIP SHOAL	1460.0	TENNESSEE GAS PIPELI
*8056514	G0-1573	1771240185	102		D-1182 (ALT)	SHIP SHOAL	1168.0	CONSOLIDATED GAS SUP
*8056511	G0-1570	1771240215	102		D-1981	SHIP SHOAL	548.0	CONSOLIDATED GAS SUP
*8056512	G0-1571	1771240215	102		D-1982 (ALT)	SHIP SHOAL	1825.0	CONSOLIDATED GAS SUP
*8056513	G0-1572	1771240215	102		D-1983 (ALT)	SHIP SHOAL	1168.0	CONSOLIDATED GAS SUP
*8056481	G0-1482	1771240131	102		D-381	SHIP SHOAL	155.0	CONSOLIDATED GAS SUP
*8056482	G0-1483	1771240131	102		D-382 (ALT)	SHIP SHOAL	155.0	CONSOLIDATED GAS SUP
*8056509	G0-1568	1771240142	102		D-581	SHIP SHOAL	204.0	CONSOLIDATED GAS SUP
*8056510	G0-1569	1771240142	102		D-582 (ALT)	SHIP SHOAL	876.0	CONSOLIDATED GAS SUP
*8056469	G0-1439	1771240197	102		F-2D1	SHIP SHOAL	1460.0	
*EXXON CORPORATION					RECEIVED: 09/08/80 JA: LA 3			
8056490	G0-1538	1772240052	102		OCS-G 1619 NO A-10	SOUTH PASS	360.0	COLUMBIA GAS TRANSMI
8056504	G0-1558	1770940043	102		OCS-G 3331 NO A-11	EUGENE ISLAND	4000.0	COLUMBIA GAS TRANSMI
*GULF OIL CORPORATION					RECEIVED: 09/08/80 JA: LA 3			
8056479	G0-1479	1772040056	102		OCS G-1101 WELL G-3 WD BLK 117	WEST DELTA	80.0	TEXAS EASTERN TRANS

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8056480	GO-1480	1772040056	102	OCS G-1101 WELL G-3D WD BLK 117	WEST DELTA	180.0	TEXAS EASTERN TRANS
8056503	GO-1561	1771540316	102	OCS G-3336 WELL #D-11	SOUTH TIMBALIER	300.0	TEXAS EASTERN TRANSM
8056506	GO-1562	1771540316	102	OCS G-3336 WELL #D-11D	SOUTH TIMBALIER	300.0	TEXAS EASTERN TRANSM
8056467	GO-1423	1770140047	102	W CAMERON BLK 332 OCS G-3276 #B-3	WEST CAMERON	1350.0	TEXAS EASTERN TRANSM
8056468	GO-1424	1770140048	102	W CAMERON BLK 332 OCSG-3276 #B-4	WEST CAMERON	2500.0	TEXAS EASTERN TRANSM
•KERR-MCGEE CORPORATION				RECEIVED: 09/08/80 JA: LA 3			
8056474	GO-1460	1770240296	102	OCS G 2009 NO A-1	WEST CAMERON	379.0	TEXAS EASTERN TRANSM
•MCMORAN OFFSHORE EXPLORATION CO				RECEIVED: 09/08/80 JA: LA 3			
*8056505	GO-1560	1770540395	102	OCS-G 3390 #14	VERMILION	2700.0	TRANSCONTINENTAL GAS
•MESA PETROLEUM				RECEIVED: 09/08/80 JA: LA 3			
*8056453	G9-566	1771340012	102	D SOUTH PELTO BLK 13 WELL A-1	SOUTH PELTO	730.0	TRANSCO GAS SUPPLY C
*8056454	G9-568	1771340019	102	D SOUTH PELTO BLK 13 WELL A-3	SOUTH PELTO	550.0	TRANSCO GAS SUPPLY C
•MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 09/08/80 JA: LA 3			
*8056475	GO-1462	1771540306	102	SOUTH TIMBALIER 36 #B-10	SOUTH TIMBALIER	1275.0	TENNESSEE GAS PIPELI
•OCEAN PRODUCTION CO				RECEIVED: 09/08/80 JA: LA 3			
8056485	GO-1523	1771340070	102	OCS-073 NO 29A	SOUTH PELTO	120.0	TRANSCONTINENTAL GAS
•OXY PETROLEUM INC				RECEIVED: 09/08/80 JA: LA 3			
*8056459	GO-1247	1771040649	102	A-5	EUGENE ISLAND	1825.0	COLUMBIA GAS TRANSMI
*8056460	GO-1249	1771040677	102	A-7	EUGENE ISLAND	1825.0	COLUMBIA GAS TRANSMI
•TENNECO OIL COMPANY				RECEIVED: 09/08/80 JA: LA 3			
8056458	G9-1133	1770740220	102	SOUTH MARSH ISLAND 252 #2	SOUTH MARSH ISLAND	890.0	TENNESSEE GAS PIPELI
8056476	GO-1476	1771540326	102	SOUTH TIMBALIER 169 NO 5	SOUTH TIMBALIER	1.4	TRUNKLINE GAS CO
•TEXACO INC				RECEIVED: 09/08/80 JA: LA 3			
*8056461	GO-1389	1771040750	102	E I BLOCK 313 OCS-G-2608 NO B-18	EUGENE ISLAND	1825.0	COLUMBIA GAS TRANSMI
*8056491	GO-1539	1770940402	102	OCS-G-3147 EUGENE ISLAND 26 #2	EUGENE ISLAND	1095.0	UNITED GAS PIPE LINE
8056470	GO-1447	1770940296	102	OCS-G-3151 EUGENE ISLAND 72 #1	EUGENE ISLAND	0.0	NATURAL GAS PIPELINE
•TRANSCO EXPLORATION COMPANY				RECEIVED: 09/08/80 JA: LA 3			
8056462	GO-1398	1770840417	102	A-10	SOUTH MARSH ISLAND	275.0	TRANSCONTINENTAL GAS
8056463	GO-1399	1770840439	102	A-12	SOUTH MARSH ISLAND	275.0	TRANSCONTINENTAL GAS
8056464	GO-1400	1770840454	102	A-14	SOUTH MARSH ISLAND	400.0	TRANSCONTINENTAL GAS
•UNION OIL COMPANY OF CALIF				RECEIVED: 09/08/80 JA: LA 3			
8056472	GO-1451	1770040345	102	OCS-G-0911 #C-5	WEST CAMERON	1800.0	TEXAS EASTERN TRANSM
8056473	GO-1453	1770700379	102	OCS-0787 #B-1	SOUTH MARSH ISLAND	1800.0	TRANSCONTINENTAL GAS
8056471	GO-1450	1770040331	102	OCS-0911 #C-2	WEST CAMERON	1460.0	TEXAS EASTERN TRANSM
8056507	GO-1564	1770540339	102	OCS 0297 #G-1	VERMILION	1800.0	TRUNKLINE GAS CO
8056508	GO-1565	1771120136	102	OCS-G 1230 WELL NO 1-2	SHIP SHOAL BLOCK	270.0	TRANSCONTINENTAL GAS
•AMINOIL DEVELOPMENT INC				RECEIVED: 09/08/80 JA: TX 3			
*8056486	GO-1524	4271140324	102	OCS-G-2412 WELL NO A-2	HIGH ISLAND	750.0	NATURAL GAS PIPELINE
*8056487	GO-1525	4271140324	102	OCS-G-2412 WELL NO A-2D	HIGH ISLAND	750.0	NATURAL GAS PIPELINE
•CNG PRODUCING COMPANY				RECEIVED: 09/08/80 JA: TX 3			
*8056501	GO-1552	4270940271	102	A-1S1	HIGH ISLAND	3103.0	CONSOLIDATED GAS SUP
*8056500	GO-1551	4270940427	102	A-2S1	HIGH ISLAND	3103.0	CONSOLIDATED GAS SUP
*8056499	GO-1550	4270940474	102	A-4S1	HIGH ISLAND	3103.0	CONSOLIDATED GAS SUP
•SHELL OIL CO				RECEIVED: 09/08/80 JA: TX 3			
*8056466	GO-1418	4270840056	102	A-2	HIGH ISLAND	0.0	UNITED GAS PIPE LINE
*8056502	GO-1554	4270840058	102	OCS-G 3236 A-4	HIGH ISLAND	2731.0	UNITED GAS PIPELINE
*8056516	GO-1555	4270840062	102	D OCS-G 3236 A-8	HIGH ISLAND	0.0	UNITED GAS PIPELINE
•TENNECO OIL COMPANY				RECEIVED: 09/08/80 JA: TX 3			
8056489	GO-1537	4270440031	102	HIGH ISLAND A-2S1 A-2	HIGH ISLAND	4.8	TENNESSEE GAS PIPELI
•TRANSOCEAN OIL INC				RECEIVED: 09/08/80 JA: TX 3			
*8056515	GO-1574	4270340066	102	A-4	MATAGORDA ISLAND	0.0	SOUTHERN NATURAL GAS
*8056496	GO-1544	4270340041	102	#A-5	MATAGORDA ISLAND	0.0	SOUTHERN NATURAL GAS

JD NO	JA DKT	APT NO	SEC	D	WELL NAME	FIELD NAME	PROD		PURCHASER
*8056497	G0-1545	4270340051	102		#A-6	MATAGORDA ISLAND		0.0	SOUTHERN NATURAL GAS
*8056495	G0-1543	4270340017	102		#R-1	MATAGORDA ISLAND		0.0	SOUTHERN NATURAL GAS
*8056498	G0-1546	4270340071	102		#2	MATAGORDA ISLAND		0.0	SOUTHERN NATURAL GAS
*8056493	G0-1542	4270340012	102		A-1	MATAGORDA ISLAND		0.0	SOUTHERN NATURAL GAS
*8056494	G0-1541	4270340048	102		A-2	MATAGORDA ISLAND		0.0	SOUTHERN NATURAL GAS
*8056492	G0-1540	4270340058	102		A-3	MATAGORDA ISLAND		0.0	SOUTHERN NATURAL GAS

BILLING 6450-85-C

Other Purchasers

8056453—Northern Nat Gas Co.
8056454—Northern Nat Gas Co.
8056459—Tenn Gas PL.
8056460—Tenn Gas PL.
8056461—Texas Eastern Transmission Corp.
8056466—Trans Continental Gas PL Corp.
8056469—Columbia Gas Trans Corp.
8056475—Southern Natural Gas Co.
8056481—Columbia Gas Trans Corp.
8056482—Columbia Gas Trans Corp.
8056486—Trunkline Gas Co.
8056487—Trunkline Gas Co.
8056491—Southern Natural Gas Co.
8056492—Florida Gas Transmission Co.
8056493—Florida Gas Transmission Co.
8056494—Florida Gas Transmission Co.
8056495—Florida Gas Transmission Co.
8056496—Florida Gas Transmission Co.
8056497—Florida Gas Transmission Co.
8056498—Florida Gas Transmission Co.
8056499—Northern Natural Gas Co.
8056500—Northern Natural Gas Co.
8056501—Northern Natural Gas Co.
8056502—Transcontinental Gas Pipeline Corp.
8056505—Public Service Electric & Gas Co.
8056509—Columbia Gas Transmission Corp.
8056510—Columbia Gas Transmission Corp.
8056511—Columbia Gas Transmission Corp.
8056512—Columbia Gas Transmission Corp.
8056513—Columbia Gas Transmission Corp.
8056514—Columbia Gas Transmission Corp.
8056515—Florida Gas Transmission Co.
8056516—Transcontinental Gas Pipeline Corp.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1980.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-30130 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC80-8]

Duke Power Co.; Filing

September 22, 1980.

The filing Company submits the following:

Take notice that Duke Power Company (Duke) on August 25, 1980, tendered for filing an application seeking an order pursuant to Section 203 of the Federal Power Act authorizing it to sell certain electric transmission facilities to South Carolina Electric & Gas Company (SCE&G).

The applicant proposes to perform its agreement of February 29, 1980, with SCE&G to sell approximately 20.96 miles of 115 kv transmission line located near the Cities of Newberry and Saluda, South Carolina. SCE&G will pay $912,440 in exchange for these facilities.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before October 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30091 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-01]

Ferry Landing Woods; Filing of Petition for Review Under 42 U.S.C. 7194

September 22, 1980.

Take notice that Ferry Landing Woods on August 11, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceedings before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30092 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-773]

Florida Power & Light Co.; Filing

September 23, 1980.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on Septemberr 16, 1980 tendered for filing a document entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit, FPL will transmit power and energy for the Utilities Commission of the City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with the Sebring Utilities Commission.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit

be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of New Smyrna.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30093 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-774]

Gulf States Utilities Co.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that on September 17, 1980, Gulf States Utilities Company (GSU) tendered for filing an Agreement for Wholesale Electric Service between GSU and the Sam Rayburn Dam Electric Cooperative, Inc. GSU indicates that the Agreement is to supersede an existing agreement between the parties for the provision of wholesale electric service which shall expire of its own terms on October 31, 1980.

According to Gulf States, a copy of the filing was served upon the Public Utility Commission of Texas and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30094 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-77]

Gulf States Utilities Co.; Application

September 22, 1980.

Take notice that on September 9, 1980, Gulf States Utilities Company (Applicant) filed an application seeking authorization to negotiate the placement of up to 2,000,000 shares of Common Stock, without par value.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30095 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-114]

Tom Harney Oil Co.; Filing of Petition for Review

September 22, 1980.

Take notice that Tom Harney Oil Company on September 10, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30117 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-738]

Hartford Electric Light Co.; Filing of Rate Schedule

September 22, 1980.

The The Filing company submits the following:

Take Notice that on September 3, 1980, The Hartford Electric Light Company (HELCO) tendered for filing as an initial rate schedule of an exchange agreement (the "Agreement") between (i) HELCO, The Connecticut Light and Power Company (CL&P) and (ii) Village of Hardwich, Village of Lyndonville Electric Department, Village of Ludlow Electric Light Department, Village of Morrisville Electric Department, Village of Stowe Electric Department, Village of Swanton, Washington Electric Cooperative, Inc., and Vermont Public Power Supply Authority (Hereinafter collectively called "VPPS"). The Agreement, dated as of December 17, 1979, provides for HELCO and CL&P to exchange capacity and energy in certain gas turbine generating units for capacity and energy from VPPS's entitlement in Merrimack Unit #2, a coal-fired base load type generating unit located at Merrimack Station in Bow, New Hampshire.

The Agreement provides that the parties will determine prior to 12:01 a.m. on Monday of each week during the term of the Agreement whether it is economically advantageous to the parties that an exchange, pursuant to the Agreement, shall take place during that week.

HELCO and CL&P will pay capacity charges to VPPS in an amount equal to $0.006/kilowatthour times the kilowatthours delivered during each

week. HELCO and CL&P will pay energy charges to VPPS at a cost of $0.016/kilowatthour subject to adjustment to reflect changes in the fuel price at Merrimack. VPPS will pay HELCO and CL&P will pay energy taken by VPPS pursuant to the Agreement.

HELCO requests an effective date of December 17, 1979 for the Agreement.

CL&P has filed a certificate of concurrence in this docket.

The Agreement has been executed by HELCO, CL&P and by VPPS and copies have been mailed to each of them.

HELCO further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1980, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30096 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3327]

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

September 19, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3327 to be known as Curwensville Project located on the West Branch of the Susquehanna River in Clearfield County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. Fred Fiechter, President and Treasurer, Hydro Corporation of Pennsylvania, P.O. Box 34, Chatham, Pennsylvania 19318.

Project Description—The proposed project would utilize the Army Corps of Engineers' constructed Curwensville Dam and would consist of: (1) a penstock, 15 feet in diameter conduit to; (2) the new powerhouse on the downstream left bank; (3) turbine/generator units rated at 5.7 MW; (4) transmission lines extending to Pennsylvania Electric Company's 115-kV lines; and (5) appurtenant facilities.

Applicant estimates annual generation would average 23.47 GWh.

Purpose of Project—Project power would be sold to the Pennsylvania Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates that the cost of studies under the permit would be approximately $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantitive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *November 24, 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 23, 1981.* A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), *as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R., § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before November 24, 1980. The Commission's address is: 825 North Capitol St., 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. 80-30118 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3304 and 3345]

Hydro Corp. of Pennsylvania and Noah Corp.; Applications for Preliminary Permit

September 19, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant/HCP) and Noah Corp. (Applicant/NC) filed on August 11, 1980, and August 20, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed hydroelectric projects, each to be known as the Crooked Creek Project, FERC Projects Nos. 3304 and 3345, respectively, located on Crooked Creek in Armstrong County, Pennsylvania. Correspondence with HCP should be directed to: Fred Fiechter, P.O. Box 34, Chatham, Pennsylvania 19318. Correspondence with NC should be addressed to: James B. Price, Ph. D., President, Noah Corp., P.O. Drawer 640, Aiken, South Carolina 29801.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Crooked Creek Dam and would consist of: (1) a penstock located along the right (north) bank; (2) a powerhouse containing generating unit(s) having a total rated capacity of 4,740-kW (HCP) or 5,000-kW (NC); (3) a short tailrace; and (4) appurtenant facilities. HCP would deliver project energy to existing power lines serving the dam or would connect to Pennsylvania Electric Company's 115-kV transmission lines within a few miles of the project. NC would construct a project switchyard and deliver project energy to West Penn Power Co.'s 138-kV transmission lines through a 3200-foot long 138-kV transmission line. HCP estimates the annual generation would average about 19,560,000 kWh; NC estimates the annual generation would average about 9,000,000 kWh.

Purpose of Project—Both applicants propose to sell project energy to a private utility.

Proposed Scope and Cost of Studies under Permit—Both Applicants seek issuance of preliminary permits for a period of 36 months. Each Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evaluation, would consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an environmental report. HCP and NC estimate that the cost of studies under the permit would not exceed $55,000 and $100,000, respectively.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 24, 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 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), *as amended*, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 24, 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. 80-30119 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-768]

Indiana & Michigan Electric Co.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 15, 1980, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company, (Indiana) Modification No. 10 dated May 1, 1980 to the Interconnection Agreement dated November 27, 1961 between Indiana and Illinois Power Company (Illinois), designated Indiana's Rate Schedule FPC No. 23.

The Modification includes a new Service Schedule H which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule H provides for a transmission service charge of 1.7 and 1.0 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Illinois or Indiana, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Indiana is the delivering party and (b) 5.5 mills per kilowatt-hour plus incremental costs, plus 2 mills when Illinois is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Illinois Power Company, the Public Service Commission of Indiana, the Michigan Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30120 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-758]

Kentucky Utilities Co.; New Delivery Point

September 22, 1980.

The filing company submits the following:

Take notice that on September 4, 1980, the Kentucky Utilities Company (KU) tendered for filing an agreement for electric service to the City of Madisonville (City) at the delivery point known as McCoy Avenue Substation.

KU states that no reasonable billing estimates can be made since the load

served will build up over a period of time and other loads transferred from other delivery points from time to time. KU further states that copies of the tendered filing have been sent to City and the Kentucky Energy Regulatory Commission. KU proposes an effective date of November 5, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30121 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-148]

Charles O. Lighthizer; Application for Adjustment

September 22, 1980.

Take notice that on August 26, 1980, Charles O. Lighthizer, 880 Spry Road, Zanesville, Ohio 43701 (Applicant), filed with the Federal Energy Regulatory Commission (Commission), an application for an adjustment pursuant to § 1.41 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.41). Applicant seeks an adjustment from the filing procedures in § 274.206 of the Commission's regulations implementing section 108 of the Natural Gas Policy Act of 1978 (NGPA).

Specifically, Applicant states that on April 9, 1979 he mailed eighteen (18) applications for NGPA section 108 well category determinations to the West Virginia Department of Mines (West Virginia). Applicant further states that he believes that West Virginia either lost or misplaced the applications or that the applications were lost in the mail. Applicant requests that he be granted the right to make retroactive collections of the NGPA section 108 price for those eighteen wells, commencing from the date on which he claims the original filings should have been received by West Virginia.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure and Order No. 24, issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before October 15, 1980.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30122 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC80-93]

Mid Louisiana Gas Co.; Tariff Filing

September 22, 1980.

Take notice that on August 22, 1980, Mid Louisiana Gas Company (Mid Louisiana), 21st Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. TC80-93 revised sheets as part of its FERC Gas Tariff, First Revised Volume No. 1, to implement changes in its plans for the curtailment of deliveries of natural gas, all as more fully set forth in such sheets which are on file with the Commission and open to public inspection.

Mid Louisiana has filed the following tariff sheets which are said to change Section 13, Interruption of Deliveries, of its FERC Gas Tariff:

Fourth Revised Sheet No. 23
Third Revised Sheet No. 23a
Third Revised Sheet No. 23b
Third Revised Sheet No. 23c
Fourth Revised Sheet No. 23d
Third Revised Sheet No. 23e
Fourth Revised Sheet No. 23f
Fourth Revised Sheet No. 23g
Fourth Revised Sheet No. 23i
Second Revised Sheet No. 23j

In making the instant filing, Mid Louisiana states that the revised sheets would make the following changes in Section 13:

Section 13.2, Proration of Deliveries, has been changed to redefine the priority-of-delivery categories. Category 7 has been changed to include all interruptible service and categories 8 through 10 have been eliminated. Categories 1 through 6 remain unchanged.

Section 13.3, Curtailment Procedure, has also been changed to provide that interruptible service shall be curtailed up to the full extent thereof, before curtailment of deliveries to other priority-of-delivery categories. Priority of delivery to customers receiving interruptible service shall be based on the dates such services were authorized by the Commission (rather than on end use) with the last authorized being curtailed in full before the next older service is curtailed. It is further provided that those receiving interruptible service contractually limited to part or all the off-peak months, including but not limited to service under Rate Schedule I-1, shall be curtailed in full before those receiving interruptible service not contractually limited to the off-peak months.

In support of the changes which would be implemented by the revised sheets Mid Louisiana states that in recent years the gas reserves dedicated to Mid Louisiana's system have not permitted the initiation of any new or additional services. However, as reflected in Mid Louisiana's two most recent Forms 15[1] filed with the Commission, its total system recoverable reserves increased from 122,000 Mcf at December 31, 1978, to 207,000 Mcf at December 31, 1979. In 1980, Mid Louisiana states, it has drilled additional wells and contracted to purchase yet additional reserves, with the result that it has increased its daily delivery capacity to a level that generally exceeds the limits of its existing customers. While the reserves currently supporting the excess delivery capacity do not permit initiating new or additional firm service, new interruptible sales are said to be necessary in order for Mid Louisiana to continue purchasing reserves without incurring excessive take-or-pay payments.

The tariff changes proposed herein are intended by Mid Louisiana to form the basis under which new fully interruptible sales may be made without the prospect of penalizing currently existing customers should shortages of gas in the future require curtailment of deliveries. They are also intended to permit the addition of successive interruptible sales with similar protection for then existing interruptible sales.

Mid Louisiana requests that the revised tariff sheets be accepted for filing to become effective November 1, 1980.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 10, 1980, file a petition with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protect in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to

[1] Annual Report of Gas Supply for Certain Natural Gas Pipelines, 18 CFR 260.7.

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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30123 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-752]

Middle South Service, Inc.; Supplemental Notice of Filing

September 22, 1980.

The filing company submits the following:

Take notice that Middle South Service, Inc. on September 2, 1980, tendered for filing a statement of principle with regard to billing procedures for service rendered by operation companies of Middle South Utilities, Inc. under rate schedules subject to the Commission's new standards on the use of percentage adders. Middle South Services proposes an effective data of September 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (1.8 and 1.10). All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will, not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30124 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-25 (AP80-1)]

Mississippi River Transmission Corp.; Rate Change Filing and Refund Report

September 23, 1980.

Take notice that on September 16, 1980, Mississippi River Transmission Corporation ("Mississippi") tendered for filing Second Substitute Seventy-Fifth Revised Sheet No. 3A to its FERC Gas Tariff, First Revised Volume No. 1. An effective date of March 1, 1980 is proposed.

Mississippi states that Second Substitute Seventy-Fifth Revised Sheet No. 3A reflects a downward adjustment to rates placed into effect March 1, 1980, subject to refund, and relates to approval by Commission Order dated August 14, 1980 of the Stipulation and Agreement ("Agreement") at Docket No. TA80-1-25 (AP80-1). Pursuant to Article III(A) of such Agreement, Mississippi's August, 1980 bills are to reflect the lower rates based upon the Settlement Advance Payment Adjustment included therein.

Mississippi further states that in accordance with Article III ( ) of the Agreement, it has submitted to the Commission a refund report reflecting credits to the jurisdictional customers for the amounts in excess (including interest thereon) of the amount each customer would have paid had the Settlement Advance Payment Adjustment been utilized for billing purposes, covering the period from March 1, 1980 through July 31, 1980.

Mississippi states that copies of its filing and supporting computations have been served on all jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30125 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-104]

Tom's Mobil; Filing of Petition for Review

September 22, 1980.

Take notice that Tom's Mobil on September 2, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30126 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-770]

Montana Power Co.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that on September 16, 1980, The Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during May and June 1980, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests

should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30127 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-751]

Northern Indiana Public Service Co.; Filing

September 22, 1980.

The filing company submits the following:

Take notice that Northern Indiana Public Service Company on September 2, 1980, tendered for filing an Agreement with the City of Rensselaer, Indiana whereby, pending completion of all the facilities necessary to render full service to the City, the Company would furnish interim service of 2500 kw of firm capacity pursuant to Rate Schedule VA-1 and 2500 kw of short term non-parallel service pursuant to Rate Schedule VA-6.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30128 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-693]

Ohio Power Co.; Filing

September 22, 1980.

The filing company submits the following:

Take notice that on August 25, 1980, Ohio Power Company (Ohio) submitted for filing the Municipal Resale Service Agreement between Ohio and the Village of Deshler. Said filing is in compliance with the Commission's order, issued August 15, 1980, in the above-referenced proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30105 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-775]

Ohio Power Co.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 16, 1980, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 10 dated May 1, 1980 to the Operating Agreement dated June 14, 1962 between Ohio Power Company and The Cleveland Electric Illuminating Company designated Ohio's Rate Schedule FPC No. 31.

The Modification includes a new Service Schedule G which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule G provides for a transmission service charge of 1.7 and 1.2 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is The Cleveland Electric Illuminating Company or Ohio Power Company, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Ohio is the delivering party and (b) 3.8 mills per kilowatt-hour plus incremental costs, plus 2 mills when Cleveland is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon The Cleveland Electric Illuminating Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copes of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30106 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-739]

Pennsylvania Power & Light Co.; Cancellation

September 22, 1980.

The filing company submits the following:

Take notice that on September 4, 1980 Pennsylvania Power & Light Company (PP&L) filed a Notice of Cancellation of Rate Schedule FERC No. 72 (effective date June 8, 1979) which provides for the sale of energy and operating capacity by PP&L to General Public Utilities Corporation (GPU). This Notice of Cancellation is tendered for filing in accordance with Paragraph 8 of the "Agreement of Settlement and Compromise" executed by PP&L, GPU and the other private parties in FERC Docket No. EL80-22 and certified to the Commission on August 21, 1980 by the Presiding Administrative Law Judge.

Accordingly, GPU concurs in the filing of this Notice of Cancellation. It is requested that this Notice of Cancellation be made effective, without suspension, on the same date that the Appended Interim Schedules annexed to the Agreement of Settlement and Compromise in FERC Docket No. EL80-22 are made effective under Paragraph 2 of the Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance

with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30107 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-778]

Public Service Co. of Colorado; Proposed Tariff Change

September 23, 1980.

Take notice that Public Service Company of Colorado (PSCo), on September 18, 1980, tendered for filing Supplement No. 1 to PSCo's Interconnection Agreement with Platte River Power Authority (Platte River), dated September 14, 1976 (Initial Agreement) on file with the Commission under PSCo's FERC Rate Schedule No. 23.

The Supplement provides for the construction of Platte River's facilities across the Company's property and a license for Platte River to interconnect with the Company's system at the Company's Fort St. Vrain Generating Station substation.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30106 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-750]

Public Service Co. of Indiana; Filing

September 22, 1980.

The filing company submits the following:

Take notice that the Public Service Company of Indiana on September 2, 1980, tendered for filing, pursuant to Part 35.23 of the Commission's Regulations under the Federal Power Act as adopted under the above named Docket and Order, a unilateral filing on behalf of Public Service Company of Indiana, Inc. (Service Company) of a Supplement establishing a Pass-Through Adder charge of 2 mills per kilowatt-hour to the following Interconnection Agreements between Service Company and:

Other party or pool	Rate schedule FERC number
Indiana & Michigan Electric Co	49
Central Illinois Public Service Co	205
Southern Indiana Gas & Electric Co	207
City of Peru	212
Cincinnati Gas & Electric Co	218
Hoosier Energy Division of Indiana Statewide	222
City of Logansport	223
Kentucky-Indiana Pool Planning and Operation Agreement	225
Northern Indiana Public Service Co	227
City of Crawfordsville	229

The Service Schedules applicable to this filing in the above named Interconnection Agreements are as follows:

Emergency Service
Interchange Power
Short-Term or Interim Power
Limited-Term Power
Maintenance Power or Coordination of Scheduled Maintenance of Generating Facilities
Fuel Conservation Power and Energy

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30109 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-89]

Ron's Arco Station; Filing of Petition for Review

September 22, 1980.

Take notice that Ron's Arco Station on August 6, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30110 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-141]

Tamko Asphalt Products, Inc.; Supplemental Notice

September 22, 1980.

On August 21, 1980, a notice in this docket was issued by the Federal Energy Regulatory Commission (Commission). That notice is hereby supplemented to indicate that Tamko was filing its application for adjustment on behalf of its Joplin, Missouri and Phillipsburg, Kansas plants and that the gas suppliers concerned are respectively Cities Service Gas Company, East Oklahoma, Oklahoma, and Kansas Nebraska Natural Gas Company, Inc., Hastings, Nebraska.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30111 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-139]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Tariff Filing

September 19, 1980.

Take notice that on September 8, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), tendered for filing proposed tariff sheets to its FERC Gas Tariff, Ninth Revised Volume No. 1, consisting of the following:

Original Sheet Nos. 3C, 3D, 3E, 204A, 207A & 220A
First Revised Sheet Nos. 3A, 3B, 200 through 204, 206 through 208, 210, 220, 222, 222A & 223
Second Revised Sheet Nos. 209 & 219A
Third Revised Sheet No. 1
Fifth Revised Sheet No. 3

Tennessee states that the purpose of these tariff sheets is to make minor revisions to the Table of Contents and General Terms and Conditions of its Tariff to reflect, *inter alia*, updated measurement and quality standards and to provide for the receipt of notices from the affected parties by telecommunications equipment. The Commission notes that the tariff change includes alteration of provisions governing place of payment and terms of payment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1980. Protests will be considered by the Commission in determining the appropriate action to be take, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in this proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-30112 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-87]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 23, 1980.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), on September 10, 1980, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheet:

Substitute Second Revised Sheet No. 564

The sole purpose of the instant filing is to incorporate in the latest revision of the above mentioned tariff sheet the effective settlement rates set forth in the Stipulation and Agreement of Texas Eastern's Docket No. RP78-87 approved by the Commission in its order issued April 4, 1980.

The proposed effective date of the tariff sheet in the instant filing is January 25, 1980.

A copy of this filing was served upon each party to the agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protests will considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30113 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-88]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 23, 1980.

Take notice that Transwestern Pipeline Company (Transwestern) on September 15, 1980, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

A. *Effective March 1, 1979:* Second Substitute Eleventh Revised Sheet Nos. 5 and 6
B. *Effective April 1, 1979:* Second Substitute Twelfth Revised Sheet Nos. 5 and 6
C. *Effective October 1, 1979:* Substitute Thirteenth Revised Sheet Nos. 5 and 6
D. *Effective January 1, 1980:* Substitute Fourteenth Revised Sheet Nos. 5 and 6
E. *Effective March 15, 1980:* Substitute Fifteenth Revised Sheet No. 5
F. *Effective April 1, 1980:* Third Substitute Revised Fifteenth Revised Sheet No. 5; Third Substitute Fifteenth Revised Sheet No. 6
G. *Effective May 31, 1980:* Fifth Revised Sheet No. 74; Third Revised Sheet No. 75.

These tariff sheets are being issued under Articles II(1) and VIII of the RP78-88 Stipulation and Agreement which was unconditionally approved by Commission order dated September 10, 1980. Items A through F above contain the interim rates, as provided for under Article II(1) of the Stipulation and Agreement. The interim rates have been adjusted for all tracking rate changes made by Transwestern subsequent to March 1, 1979 and to reflect resolution of the cost allocation issue relating to the conversion from a volume to dekatherm basis described in Article IX(3) of the RP78-88 Stipulation and Agreement. Item G consists of those tariff sheets described in Article VIII of the RP78-88 Stipulation and Agreement which provides for the modification of Section 19, Purchased Gas Cost Adjustment, of Transwestern's FERC Gas Tariff to reflect a change in the method of calculating the Base Average Cost of Gas and the Gas Cost change.

The proposed effective dates for the above tariff sheets are as noted above.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30114 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-777]

Vermont Electric Power Co., Inc.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that on September 17, 1980, Vermont Electric Power Co., Inc. (VELCO) tendered for filing a Rate Schedule containing a contract dated November 15, 1979, between VELCO and the following:

Village of Enosburg Falls Water and Light Dept., Village of Hardwick Electric Dept., Village of Ludlow Electric Light Dept., Village of Morrisville Water and Light Dept., Village of Stowe Water and Light Dept., Village of Swanton, Washington Electric Cooperative, Inc.

Under this rate schedule VELCO agrees to purchase for resale to the buyers Ontario Hydro power and associated energy pursuant to VELCO's contract with the Power Authority of the State of New York and to transmit such power between its interconnection point with the Authority at the New York-Vermont border and the points of delivery on the VELCO system as designated by the buyers.

The quanities of power transmitted by VELCO under this rate schedule and the "estimated monthly charges" are as follows:

Purchaser	Kilowatts[1]	Kilowatt hours	Estimated monthly charges	
			Power	Transmission
Enosburg	1,158	845,000	$23,660	$1,448
Hardwick	1,002	731,000	20,468	1,253
Ludlow	1,162	848,000	23,774	1,453
Morrisville	917	669,000	18,732	1,146
Stowe	4,208	3,072,000	86,016	5,260
Swanton	1,852	1,352,000	37,856	2,315
Washington	1,491	1,088,000	30,464	1,864

[1] At point of receipt by VELCO from the Power Authority of the State of New York system which reflects 1.75 pct losses.

Charges for this power will be at VELCO's costs. Therefore, there will be no change in the overall rate of return of VELCO. VELCO states that service under this rate schedule commended on December 3, 1979 and terminates September 30, 1980. Copies of the filing were served upon the buyers and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 30115 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-764]

Wisconsin Public Service Corp.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation ("Company") on September 15, 1980, tendered for filing an initial Primary Resale Service Agreement, dated January 10, 1980, with the Washington Island Electric Cooperative of Washington Island, Wisconsin, which is proposed to be effective November 1, 1980. The Company states that the Agreement provides for wholesale electric service to be furnished by it to the Washington Island Electric Cooperative under the Company's present stanadard W-1 form of tariff for Primary Resale Service approved by the Commission in Docket No. ER78-506.

An estimate of quantities of service and revenues during the twelve months immediately following the month in which this service is expected to commence, was submitted with the filing.

The Company states that there are no customers receiving service under a similar schedule except those now being served under the present W-1 form of tariff.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30116 Filed 9-29-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearing and Appeals

Cases Filed Week of August 29 Through September 5, 1980

During the week of August 29 through September 5, 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.

George B. Breznay,

Acting Director, Office of Hearing and Appeals,

September 23, 1980.

Date	Name and location of applicant	Case No.	Type of submission
Aug. 29, 1980	Beacon Oil Company, Washington, D.C	BEE-1382	Exception from the Entitlements Program. If granted: Beacon Oil Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations for its 1980 fiscal year.
Aug. 29, 1980	Bell Finer Fuels, Bell Fuels, R. W. Troch Oil Co. and Robert W. Troch, Jr., Washington, D.C.	BSG-0034	Petition for Special Redress. If granted: The Office of Hearings and Appeals would review the denial of the Central Enforcement District of DOE to review the decision denying the Application to Quash Subpoenas submitted by Bell Finer Fuels, Bell Fuels, R. W. Troch Oil Company and Robert W. Troch, Jr.
Sept. 29, 1980	Chevron U.S.A./Atlantic Richfield Company, San Francisco, California.	BEJ-0129 and BED-0129.	Motion for Discovery and Protective Order. If granted: Discovery would be granted and a Protective Order would be entered into by Chevron U.S.A., Inc. and the Atlantic Richfield Company regarding materials submitted by Arco in support of its Application for Exception (Case No. BEE-1294).
Aug. 29, 1980	DeBlois Oil Company, Pawtucket, Rhode Island	BEE-1379	Allocation Exception. If granted: DeBlois 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 motor gasoline for the purpose of blending gasohol.
Aug. 29, 1980	Val Verde International, Inc., Laredo, Texas	BEE-1380	Exception from the Entitlements Program. If granted: Val Verde International, Inc. would receive an exception from the provisions of 10 CFR 211.67 with respect to the January entitlements sold to Sector Refining, Inc.
Sept. 2, 1980	Coral Petroleum, Inc., Washington, D.C	BEE-1387	Exception from the Entitlements Program. If granted: Coral Petroleum, Inc. would receive and exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.
Sept. 2, 1980	Crude Oil Purchasing, Inc., Washington, D.C	BFA-0462	Appeal of an Information Request Denial. If granted: The July 31, 1980, Information Request Denial issued by the Office of General Counsel would be rescinded and Crude Oil Purchasing, Inc. would receive access to certain DOE documents.
Sept. 2, 1980	Golden Eagle Refining Company, Inc., Los Angeles, California.	BEE-1383	Exception from the Entitlements Program. If granted: Golden Eagle Refining Company, Inc. would receive an exception from the provisions of 10 CFR 211.67 and would be issued additional entitlements on a future Entitlements Notice for entitlements which it has not been able to sell pursuant to the July 1980 Entitlements Notice.
Sept. 2, 1980	Joe's Truck Stop, *et al.*, Washington, D.C	BRW-0060 through BRW-0065.	Remedial Order Finalization. If granted: Proposed Remedial Orders issued to Joe's Truck Stop, Don's Gulf, Abe's Exxon, Robertson's Mobil, George Moreland General Merchandise, and Triangle Texaco would be issued as final Remedial Orders.
Sept. 2, 1980	Jones and Gungoll, Enid, Oklahoma	BFA-0459	Appeal of an Information Request Denial. If granted: The July 31, 1980, Information Request Denial issued by the Southwest District Enforcement Division of ERA would be rescinded and Jones and Gungoll would receive access to Department of Energy's audit of H. H. Gungoll and Associates.
Sept. 2, 1980	Kern County Refinery, Inc., Los Angeles, California	BRD-1280	Motion for Discovery. If granted: Discovery would be granted to Kern County Refinery in connection with the Statement of Objections submitted in the June 23, 1980, Proposed Remedial Order issued to Tenneco Oil Company by the Office of Special Counsel for Compliance.
Sept. 2, 1980	Laketon Asphalt Refining, Inc., Washington, D.C	BEX-0090	Supplemental Order. If granted: The DOE would stay a portion of the firms entitlement purchase obligations during the period September 1980 through February 1981 for crude oil receipts and runs to stills during the period July 1980 through December 31, 1980.
Sept. 2, 1980	Navajo Refining Company, Dallas, Texas	BEX-0089	Supplemental Order. If granted: The DOE would stay a portion of Navajo's Refining's entitlement purchase obligations during the period October 1980 through March 1981 for crude oil receipts and runs to stills during the period August 1, 1980, through January 31, 1981.
Sept. 2, 1980	Saber Refining Company, Houston, Texas	BEE-1386 and BEL-1386.	Exception and Temporary Exception from the Entitlements Program. If granted: Saber Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Sept. 2, 1980	Southwestern Refining Company, Inc., LaBarge, Wyoming.	BEX-0091	Supplemental Order. If granted: The DOE would stay a portion of Southwestern Refining Company's entitlement purchase obligations during the period September 1980 through February 1981 for crude oil receipts and runs to stills during the period July 1, 1980, through December 31, 1980.
Sept. 2, 1980	Standard Oil Co. of Ohio/Pennzoil Company, Cleveland, Ohio.	BEJ-0130	Motion for Protective Order. If granted: Standard Oil Company of Ohio would enter into a Protective Order with Pennzoil Company regarding the release of proprietary information to Standard Oil Company of Ohio in connection with Pennzoil Company's Application for Exception (Case No. BEE-1024).
Sept. 2, 1980	Western Refining Company, Los Angeles, California	BEA-0458	Appeal of an Entitlements Notice. If granted: The January, February, March, April, May, and June 1980 Entitlements Notice would be modified with respect to Western Refining Company entitlements purchase obligations.
Sept. 3, 1980	Allott & Reynolds, Denver, Colorado	BFA-0461	Appeal of an Information Request Denial. If granted: The August 4, 1980, Information Request Denial issued by the Director, Office of Enforcement, Region VIII, would be rescinded, and Allott & Reynolds would receive access to certain DOE documents.
Sept. 3, 1980	C. F. Lawrence & Assoc., Inc., Midland, Texas	BXE-1385	Extension of relief granted in C. F. Lawrence & Assoc., Inc., DOE ¶ (May 8, 1980). If granted: C. F. Lawrence & Associates, Inc. would be permitted to sell at upper tier ceiling prices the crude oil produced from the Childress MI Masterson Lease, located in Pecos County, Texas.
Sept. 3, 1980	Daniel V. Karkanen, Denver, Colorado	BFA-0460	Appeal of an Information Request Denial. If granted: The August 8, 1980, Information Request Denial issued by Charles E. Troell, Assistant Manager for Administration and FOI Authorizing Official would be rescinded, and Daniel V. Karkanen would receive access to certain DOE materials.
Sept. 3, 1980	Missouri Terminal Oil Co./Onyx Corp., Creve Coeur, Missouri.	BEJ-0131	Motion for Protective Order. If granted: Missouri Terminal Oil Company would enter into a Protective Order with Onyx Corporation regarding the release of proprietary information to Missouri Terminal Oil Company in connection with Onyx's Application for Exception (Case No. BEE-0013).
Sept. 3, 1980	Quaker State Oil Refining Corporation, Washington, D.C.	BMR-0057	Request for Modification. If granted: The July 28, 1980, Decision and Order issued to Quaker State Oil Refining Corporation would be modified regarding the firm's supply obligations.
Sept. 3, 1980	Sage Creek Refining Company, Cowley, Wyoming	BXE-1384	Exception from the Entitlements Program. If granted: Sage Creek Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Sept. 3, 1980	Young Refining Corporation, Washington, D.C	BED-1296	Motion for Discovery. If granted: Discovery would be granted to Young Refining Corporation in connection with the Statement of Objections submitted in response to the July 29, 1980, Proposed Decision and Order (Case No. BEE-1296) issued to Young Refining Corporation.

Date	Name and location of applicant	Case No.	Type of submission
Sept. 4, 1980	Horizon Petroleum Company, Washington, D.C	BFA-0463	Appeal of an Information Request Denial. If granted: The July 31, 1980, Information Request Denial issued by the Economic Regulatory Administration, Region VI, would be rescinded, and Horizon Petroleum Company would receive access to certain DOE documents.
Sept. 5, 1980	City of Los Angeles, Los Angeles, California	BEE-1388	Exception from the Entitlements Program. If granted: The City of Los Angeles would receive an exception from the provisions of 10 CFR 211.67, which would modify its entitlements sales obligations.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of August 28, 1980 Through September 5, 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
Bill's Amoco	BEX-0088, 9/2/80	Pa.
Marina South Car Wash	BEX-0092, 9/2/80	Calif.
Wolfe's Arco Mini-Mart	BEX-0093, 9/2/80	Calif.

Notices of Objection Received

[Week of August 29, 1980 Through September 5, 1980]

Date	Name and location of applicant	Case No.
5/6/80	The Bubble Machine, Long Beach, Calif.	BEO-1305
8/29.80	Beavers Texaco Service, Peoria, Ill.	BEE-5008
8/29/80	Bray Terminals, Inc., Marcy, N.Y	BEE-0746
8/29/80	Highway Oil, Inc., Topeka, Kans	BEO-1300
8/29/80	Hi-Lo Oil Company, Inc., Topeka, Kans.	BEO-1302
8/29/80	Tommy Oil Company, Inc., Topeka, Kans.	BEO-1301
8/29/80	Workingmen's Friend Oil, Inc., Topeka, Kans.	BEO-1303
9/3/80	Little America Refining Co., Washington, D.C.	BEE-1064
9/4/80	Bob's Chevron, Inglewood, Calif	DEE-2232
9/4/80	Eugene B. Beavers, Peoria, Ill	DEE-5008
9/4/80	Texaco, Inc., White Plains, N.Y	BEE-1246

[FR Doc. 80-30289 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of August 4 through August 8, 1980

During the week of August 4 through August 8, 1980, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Chevron U.S.A, Inc., Gulf Oil Corporation, Texaco, Inc., Washington, D.C., Houston, Texas, White Plains, New York, BEA-0312, BEA-0316, BEA-0268, BEA-0287, Crude oil.

Chevron U.S.A., Inc. and Texaco Inc. filed Appeals from a decision in which the Economic Regulatory Administration (ERA) designated Cadence Chemical Resources, Inc. as a producer of a petroleum substitute and granted it entitlement benefits pursuant to 10 CFR § 211.67(a)(5)(i)(H) (the regulation). Gulf Oil Corporation and Texaco, Inc. filed Appeals from a similar decision issued to Arizona Chemical Company. In considering the Appeals, the DOE found that certain matters should be remanded to the ERA for further consideration. Important issues that were considered in the Decision and Order were (i) whether the regulation is statutorily authorized, (ii) whether the regulation was validly adopted, (iii) whether the regulation requires a specific showing of need for the entitlements benefits, and (iv) whether entitlements benefits granted pursuant to the regulation may be granted from the date of the application to the ERA rather than from the date of the ERA's decision.

DeMartin Truck Lines, Inc., Bakersfield, California, DRA-0198, Propane.

DeMartin Truck Lines, Inc. filed an Appeal from a Revised Remedial Order issued to it by the Region IX Office of Enforcement of the Department of Energy. In the Revised Remedial Order, Region IX determined that during the period November 1, 1973 through June 30, 1976, DeMartin had sold propane and butane at prices in excess of the levels permitted under 10 CFR § 212.93 and ordered the firm to refund the overcharges. In considering the Appeal, the DOE determined that Region IX erroneously failed to permit DeMartin to pass through certain unrecouped increased product and non-product costs. The DOE adjusted DeMartin's refund obligation accordingly, but denied the firm's Appeal in all other respects.

Donald H. Grissom, Austin, Texas, BFA-0414, BFA-0415, Freedom of Information.

Donald H. Grissom filed Appeals from partial denials by the Region VI Director of the Office of Petroleum Operations of the ERA (Region VI) of Requests for Information which he had submitted under the Freedom of Information Act (FOIA). Grissom had sought the release of all information regarding two Assignment Orders which Region VI had issued to motor gasoline retail sales outlets. In its determinations, Region VI had released all the requested information with the exception of comparable outlet volume information which it had determined to be confidential proprietary information exempt from mandatory public disclosure under Exemption 4 of the FOIA. In considering the Appeals, the DOE found, on the basis of the rational set forth in *Atlantic Richfield Co.*, 4 DOE ¶ 80,108 (1980), that the comparable outlet volume information in question had been improperly withheld and ordered its release.

Powder River Basin Resources Council, Sheridan, Wyoming, BFA-0422, Freedom of Information.

The Powder River Basin Resources Council filed an Appeal from a denial by the Director of Contract Execution Division "B" of the Office of Procurement Operations of a Request for Information which the Council had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the requested documents, which had been withheld pursuant to Exemption 4, should not be released to the public. The DOE held that portions of a proposal submitted to the DOE may only be released after a final contract award has been made. The DOE concluded that proposals selected for certain preliminary studies may not be released because, at this stage, the selection of proposals is still tentative and premature disclosure may result in a competitive disadvantage to the submitting firm.

Requests for Exception

Army and Air Force Exchange Service, Dallas, Texas, DEE-4771, Motor Gasoline.

The Army and Air Force Exchange Service filed an Application for Exception from the provisions of 10 CFR 221.102 in which it sought an increase in the base period allocations of motor gasoline of three retail outlets which it operates. The outlets are located at the sites of three military bases and sell motor gasoline to servicemen for their personal use. In considering the request, the DOE determined that the servicemen stationed at the three bases were not experiencing an unfair distribution of burdens due to inadequate supplies of motor gasoline. Accordingly, exception relief was denied.

Caribou Four Corners, Inc., Washington, D.C., BEE-0234, Crude Oil.

Caribou Four Corners, Inc., filed an Application for Exception from the provisions of 10 CFR 211.67, in which the firm sought relief from its obligation to purchase entitlements during its fiscal year 1980, ending March 31, 1980. In considering Caribou's request, the DOE found that the entitlement purchase obligation would prevent the firm from attaining either its

historical profit margin or its historical return on invested capital. The DOE therefore granted Caribou exception relief amounting to $438,960 per month during the period January through March 1980.

College Park Gulf Service, Orlando, Florida, BEO–0345, Motor Gasoline.

College Park Gulf Service filed a Statement of Objections to the issuance in final form of a Proposed Decision and Order in which the Southeast Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline should be denied. In considering the Statement, the DOE found that College Park Gulf had failed to demonstrate that it was experiencing a gross inequity as a result of larger allocations granted to two new stations in its area. Accordingly, the DOE denied objections and issued in final form the Proposed Decision and Order which denied exception relief.

Dale Olson Oil Co., Phillips Petroleum Company, Sioux Falls, South Dakota; Bartlesville, Oklahoma, BEO–1132, BES–0075, BST–0075, Motor Gasoline.

Phillips Petroleum Company and Total Petroleum, Inc. filed Statements of Objections in response to a Proposed Decision and Order which the Western Regional Center of the Office of Hearings and Appeals issued to Dale Olson Oil Company on February 5, 1980. In their Statements, the firms requested that the Proposed Decision of Order be rescinded. In considering the requests, the DOE found that the firms had not demonstrated that the Regional Center had improperly increased Dale Olson's allocation of motor gasoline. Accordingly, the Statements of Objections were denied and the Proposed Decision and Order was issued in final form. The Applications for Stay and Temporary Stay filed by Phillips were dismissed as moot after the denial of that firm's Statement of Objections.

Dickerson Petroleum, Inc., Belleville, Illinois, BEE–0588, gasohol.

Dickeson Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increased allocation of unleaded motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE found that the firm was not in an advantageous position to further the production and marketing of gasohol in its area and that it had not committed significant resources toward the establishment of its gasohol marketing program. Accordingly, exception relief was denied.

Franco-Belge Foundries of America, Inc., New York, New York, BEE–1266, test procedures.

Franco-Belge Foundries of America, Inc. (Franco-Belge) filed an Application for Exception from the provisions of 10 CFR, Part 430 in which it requested that it be relieved of the requirement that it perform energy efficiency tests on the dual-fuel furnaces and boilers which it manufactures. In considering the request, the DOE found that the test procedures applicable to furnaces did not yield appropriate results when applied to the Franco-Belge products. Accordingly, exception relief was granted.

Heath Oil Company, Winchester, Tennessee, BEE–0733, gasohol.

Heath Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increased allocation of unleaded gasoline for use in the blending and marketing of gasohol. In considering the request, the DOE found that the firm is not in an advantageous position to further the production and use of gasohol because of the firm lacks an assured supply of domestically produced ethyl alcohol manufactured from agricultural feedstock to blend with unleaded gasoline. Accordingly, exception relief was denied.

Holcomb's Mobil and Auto Accessories, Oakland, California, BEO–0185, motor gasoline.

Holcomb's Mobil and Auto Accessories filed Statement of Objections to the issuance in final form of a Proposed Decision and Order in which the Western Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline be denied. In considering the Statement, the DOE found that Holcomb's had not demonstrated that its base period purchases were unrepresentative of its historical sales volumes and that Holcomb's claim that it was unaware of the updated base period when it began leasing the outlet in April 1979 did not warrant exception relief. Accordingly, the DOE denied the objections and isued in final form the Proposed Decision and Order which denied exception relief.

Mid-State Oil Company, Fargo, North Dakota, BEE–1174, gasohol

Mid-State Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211. In its Application, the firm sought an increase in its base period allocation of unleaded gasoline in order to maintain and expand its gasohol production and marketing activities. In considering the request, the DOE found that exception relief was necessary to enable the firm to expand its gasohol marketing operations. Accordingly, the DOE granted Mid-State exception relief increasing the firm's base period allocation of unleaded gasoline by 240,000 gallons per month.

Riverside Oil, Inc., Evansville, Indiana, BEE–0476, gasohol.

Riverside Oil, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increased allocation of unleaded motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE found that exception relief was necessary to provide an incentive for Riverside to meet the demand for gasohol in its area, thereby furthering the national policy objective of increasing the use of gasohol. Accordingly, exception relief was granted.

Robert Slade Shell Service, Colfax, California, BEO–0186, Motor gasoline.

Robert Slade Shell Service filed a Statement of Objections to the issuance in final form of a Proposed Decision and Order in which the Western Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline be denied. In considering the Statement, the DOE determined that Slade had not demonstrated that unusual or anomalous events had seriously distorted the intended use of the base period as a representative period of business activity. Accordingly, the DOE denied the objections and issued in final form the Proposed Decision and Order which denied exception relief.

Saxon Oil Company, Inc., Opelika, Alabama, DEE–7504, motor gasoline.

Saxon Oil Company, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in whcih the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that any difficulties which Saxon may have been experiencing were not attributable to the operation of the DOE reglations but rather to the fact that its supplier had not elected to increase the commission which it pays to consignee agents such as Saxon. Accordingly, exception relief was denied.

Thunderbird Chevron Service, Phoenix, Arizona, DEO–0378, motor gasoline.

Thunderbird Chevron Service filed a Statement of Objections to the issuance in final form of a Proposed Decision and Order in which the Central Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline should be denied. In considering the request, the DOE determined that as many stations had opened as had closed in Thunderbird Chevron's trade area since the base period, and further, that the applicant had presented no evidence that adequate supplies of motor gasoline were not currently available in northwest Phoenix to meet the needs of community residents. Accordingly, the DOE denied the objections and issued in final form the Proposed Decision and Order which denied exception relief.

W. L. File's Grocery, Salisbury, North Carolina, BEO–0154, motor gasoline.

W. L. File's Grocery filed a Statement of Objection to the issuance in final form of a Proposed Decision and Order in which the Southeastern Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline be denied. In condsidering the Statement, the DOE found that File's had not demonstrated that unusual or anomalous events had seriously distorted the intended use of the base period as a representative period of business activity. Accordingly, the DOE denied the objections and issued in final form the Proposed Decision and Order which denied exception relief.

Remedial Order

Golden Gate Petroleum Company, San Francisco, California, DRO–0253, residual fuel oil.

Golden Gate Petroleum Company objected to a Proposed Remedial Order which the

Western District Office of Enforcement issued to the firm on June 8, 1979. In the Proposed Remedial Order, the Western District found that Golden Gate had sold residual fuel oil to its customers at prices which exceeded its maximum lawful selling prices. In considering Golden Gate's objections, the DOE determined that even though the firm used common carriers to ship its residual fuel oil directly from its suppliers' refineries to its customers, it could not pass through increases in its transportation costs on a dollar-for-dollar basis. The DOE also determined that Golden Gate's sales of low sulfur residual fuel oil to Sierra Pacific Power Company did not constitute sales of a "new item" or of a "separate product." The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order.

Motions for Discovery

Exeter Shell Service, Inc., Exeter, New Hamphire, BRD–0820, BRH–0820, motor gasoline.

Exeter Shell Service, Inc. filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on December 20, 1979. In the PRO, Northeast Enforcement found that during the audit period from November 1, 1973 through April 30, 1974, Exeter Shell had sold motor gasoline at prices which exceeded its maximum lawful selling prices.

The DOE denied Exeter Shell's open-ended request for all agency notes relating to the firm because Exeter Shell failed to demonstrate specifically how this request would lead to the production of relevant and material evidence. It denied Exeter Shell's requests for discovery and an evidentiary hearing concerning the accuracy of the computations in the PRO and concerning the motives of the agency in moving forward with the remedial order proceeding by serving a PRO more than four years after the Notice of Probable Violation.

Exeter Shell filed a Motion to Strike certain portions of the record as prejudicial to its interests and irrelevant. The DOE determined that Exeter Shell had failed to demonstrate that retention of the material in the record was likely to prejudice its position and further determined that the statements in question were directly responsive to certain objections raised by Exeter Shell. Accordingly, the DOE denied the Motion to Strike. The DOE also granted the Office of Enforcement's Motion to join Michael E. Sweeney in the PRO in order to end any uncertainty about the inclusion of the proper party in interest in the proceeding. Sweeney was the President-Treasurer and operator of Exeter Shell Service, Inc. before its dissolution as a corporate entity and currently operates the outlet as a sole proprietorship

Kenneth H. White Company; Office of Enforcement, Birmingham, Michigan; Washington, D.C., BRD–0019, BRD–0027, petroleum products.

The Kenneth H. White Company (White) filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order which the Central District Office of Enforcement issued to Kenneth H. White d.b.a. Kenneth H. White Company and to Kenneth H. White Co., Inc. on December 6, 1979. In considering White's Motion, the DOE determined that the discovery which White sought was not relevant to the proper computation of the firm's maximum lawful selling prices. Accordingly, the Motion for Discovery was denied.

The Office of Enforcement also filed a Motion for Discovery in which it sought supplemental information concerning an exhibit attached to White's Statement of Objections. In considering that Motion, the DOE determined that, although it could be in White's interest to submit the information requested by the Office of Enforcement, it would not be appropriate to require White to produce that information. Accordingly, the Office of Enforcement's Motion for Discovery was also denied.

Lowe Oil Company, Clinton, Missouri, DRD–0215, DRH–0215, motor oil.

Lowe Oil Company filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order which the DOE Central Enforcement District issued to it on April 17, 1979. In the PRO, Central Enforcement found that during the audit period from November 1, 1973 through April 30, 1974 Lowe had charged prices for petroleum products which exceeded its maximum lawful selling prices. The PRO also directed Lowe to calculate its maximum lawful selling prices and any overcharges for the post-audit period from May 1, 1974 through August 3, 1976.

The DOE denied in large part Lowe's requests to inquire into internal administrative proceedings leading to the issuance of the PRO since the firm had failed to make a strong preliminary showing of improper behavior or bad faith on the part of agency personnel. However, the DOE directed the Office of Enforcement to respond to certain specific inquiries with respect to the role of one agency auditor. The DOE determined that Lowe's inquiries concerning the logistics and cost of the agency's audit of the firm were irrelevant since, under the circumstances of this case, Lowe may not secure an exception from the PRO's self-audit requirement. The DOE also denied as irrelevant and immaterial Lowe's various discovery requests directed toward proving that an earlier audit utilizing a different audit method had shown Lowe to be in compliance with the price regulations. In addition, the DOE denied Lowe's Motion for an Evidentiary Hearing because the firm had failed to demonstrate that the hearing was likely to elicit evidence which would aid the DOE in deciding genuine issues of fact.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the Proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders and Orders of the Department of Energy.

Dow Chemical U.S.A.; Marathon Oil Co. Washington, D.C., BEJ–0110.
Winston Refining Co.; The Permian Corp., Washington D.C., BEJ–0112. Mobil Oil Corp., Washington, D.C., BEJ–0113. Gulf Oil Corp., Washington, D.C., BEJ–0114. Cities Service Co., Washington, D.C., BEJ–0115.
Winston Refining Co., Standard Oil Co. (Indiana), BEJ–0116.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in orders issued on the same date as the Interim Orders.

Hull Grocery, Inc., Hull, Georgia, BEN–0049.
Parker Energy & Petroleum Co., Washington, D.C., BEN–1234.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firm's base period allocations of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Akis Saridakis Shell, Hollywood, Florida, BEO–0220.
Alta Vista Ranch, Oxnard, California, BEO–0443.
Clinton–Maple Mini Mart, Fresno, California, BEO–0011.
Bel's Phillips 66, Grand Junction, Colorado, BEO–0698.
First Street Standard, Wilmar, Minnesota, BEO–1139.
Foust Oil Co., Mebane, North Carolina, DEE–3089.
Harold & Carol Turner, Thousand Palms, California, BEO–0804.
Montgomery Village Servicenter, Inc., Gaithersburg, Maryland, DEE–3645.
Perry M. Alexander construction Co., Asheville, North Carolina, DEE–7225.
Stockton Apco Service, Stockton, Missouri, BEO–0481. Tom's Skelly Service, Lawrence, Kansas, BEO–1101.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date.

A. J. Oil Co., BEE–0916.
Atlantic Richfield Co., BFA–0418.
Canal Refining Co., DEE–8325.
Champlin Petroleum Co., BES–0240.
Exxon Co., U.S.A., BSG–0029.
Gast Fuel & Service, BEE–0747.
Government of Puerto Rico. DMR–0073.
Kern County Refinery, Inc., DES–3951.
La Gloria Oil & Gas Co., BES–0207.
Miley's Texaco, DEE–6791.
Miriam Karkanen, BFA–0401.
Ohio Independents for Survival, BSG–0018; BEE–1075; BEL–1075; BED–0055; BEJ–0086.
Parker energy & Petroleum Co., BEL–1209.
Publicker Industries, Inc., BSG–0030.
Seminary Hill Service Center, Inc., BEE–0772.

Standard Oil of Ohio, BED–1075; BEJ–0085. Walker Oil Co., BES–6090.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Acting Director, Office of Hearings and Appeals.

September 23, 1980.

[FR Doc. 80–30290 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed; Week of August 11 Through August 15, 1980

During the week of August 11 through August 15, 1980, the notices of objection to proposed remedial orders listed in the Appendix to 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 on or before October 20, 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.

George B. Breznay,

Deputy Director, Office of Hearings and Appeals.

September 23, 1980.

Osko's Service Center, Santa Monica, CA, BRO–1291, motor gasoline.

On August 14, 1980, Osko's Service Center, 731 Santa Monica, Santa Monica, CA 90401 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on July 29, 1980.

In the PRO the Western District found that during the period from August 1, 1979 to February 22, 1980, Osko's had been charging prices for its motor gasoline significantly in excess of the maximum lawful selling price allowed by 10 CFR Part 211.

According to the PRO the Osko's violation resulted in $1,552 of overcharges.

Tri–Service Drilling Co., Midland, Texas, BRO–1293, crude oil.

On August 15, 1980, Tri–Service Drilling Co., 901 First National Bank Building, Midland, Texas 79701, filed a Notice Of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on July 18, 1980. In the PRO the Southwest District found that during the period September 1, 1973 through December 31, 1976, the firm committed pricing violations in connnection with the sale of crude oil and condensate produced from certain tracts located in Reagon County, Texas. According to the PRO the Tri–Service Drilling Co. violation resulted in $466,075.36 of overcharges.

Pete Aljian Chevron, Castro Valley, CA, BRO–1292, motor gasoline.

On August 15, 1980, Pete Aljian Chevron, 3005 Grove Way, Castro Valley, California 94546 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on June 27, 1980.

In the PRO the Western District found that during December 15, 1979 to May 28, 1980, the firm committed pricing violations of $3,379.63 in connection with the sale of motor gasoline in the State of California.

[FR Doc. 80–30287 Filed 9–29–80; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1618–8]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1980 and May 31, 1980.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the EPA source of review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note.—This is a 1980 report; the backlog of reports should be eliminated over the next two months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202/755–2808.

Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: September 24, 1980.

Thomas R. Sheckells,

Acting Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between May 1 and May 31, 1980*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
DS-COE-D36001-PA	Lockhaven Flood Control Project, West Branch Susquehanna River and Bald Eagle Creek, Lockhaven, Clinton County, Pennsylvania.	ER2	D
D-COE-E32028-GA	Cedar Point Navigation Study, McIntosh County, Georgia	ER2	E
D-COE-G34036-00	Denison Dam Modification, Lake Texoma, Red River, Love, Marshall and Bryan Counties, Oklahoma and Grayson and Cook Counties, Texas.	L02	G
D-COE-G39009-TX	Mouth of Colorado River Diversion Into Matagorda Bay, Texas	L02	G
D-COE-K32020-TT	Marshall Islands Docks Project, Pacific Islands, U.S. Territory	L01	J
DS-COE-L34007-AK	Chena River Lakes Project, Alaska	L01	K
D-COE-L36071-AK	Seward Small Boat Harbor, Small Boat Navigation Improvement, Alaska	3	K
	Department of Agriculture		
D-AFS-L61137-OR	Multorpor Ski Bowl Master Plan, Mount Hood National Forest, Clackamas County, Oregon	ER2	K
D-AFS-L65054-00	Programmatic, Methods of Managing Competing Vegetation, Oregon, Washington, Siskiyou and Del Norte Counties, California.	3	K
D-AFS-L65057-AK	Recreational Development and Independent Timber Sale, Gilbert Bay and Holkam Bay Area, Tongass National Forest, Southeast Alaska.	ER3	K
DS-APH-A82105-00	Rangeland Grasshopper Cooperative Management Program, Conterminous United States, (USDA-APHIS-ADM-79-1-D).	L02	A
DS-REA-G07018-LA	River Bend Nuclear Power Station Unit 1, Transmission, St. Francisville, West Feliciana Parish, Louisiana (See AEC-A06137-LA, Rea Adoption).	ER2	G
D-SCS-G36084-00	Fourche Creek Watershed, Randolph County, Arkansas, and Ripley County, Texas	L01	G
	Department of Commerce		
D-NOA-A91048-00	Fishery Management Plan and Regulatory Analysis and Proposed Regulations Reef Fish Resources of the Gulf of Mexico.	L01	A
D-NOA-B90003-CT	Connecticut Coastal Zone Management Program (CZM)	L01	B
D-NOA-L90017-WA	Padilla Bay Estuarine Sanctuary, Grant, Skagit County, Washington	L01	K
	Department of Defense		
D-USN-C11002-PR	Atlantic Fleet Weapons Training Facility, Inner Range, Vieques, Puerto Rico	ER2	C
	Department of Energy		
DS-DOE-A09073-00	Energy Performance Standards for New Buildings (DOE/EIS-0061/DS-1)	L01	A
	Department of the Interior		
D-BLM-G61012-NM	McGregor Range Grazing Management Plan, Otero County, New Mexico	L01	G
D-BLM-J99015-CO	Royal Gorge, Proposed Domestic Livestock Grazing Program, Colorado	L01	I
D-BLM-K09002-CA	Coso Known Geothermal Resource Area, Lease, California	ER2	J
D-BLM-K61038-CA	California Desert Conservation Area Plan, California	ER2	J
D-NPS-E61032-TN	Shiloh National Military Park, General Management, Hardin County, Tennessee	L01	E
	Department of Transportation		
D-FHW-D40093-MD	Bridge Replacement, Cromwell Bridge Road Over Gunpowder Falls, Baltimore County, Maryland	L01	D
D-UMT-F54004-MI	Downtown People Mover, Detroit, Wayne County, Michigan	L02	F
	Federal Energy Regulatory Commission		
D-FRC-L05007-WA	Sultan River Project No. 2157, License, Snohomish County, Washington	ER2	K
	Department of Housing and Urban Development		
DS-HUD-A86104-00	Interstate Land Sales Registration	L01	A
D-HUD-E28032-TN	Poor Farm Ridge Waterline Extension (CDBG), Campbell County, Tennessee	L02	E
D-HUD-E28033-TN	Fincastle Area Waterline Extension, Economic Improvement Program (CDBG), Campbell County, Tennessee.	L02	E
D-HUD-E85061-NC	Echo Farms Subdivision, Wilmington, New Hanover County, North Carolina	L01	E
D-HUD-E85062-FL	Sabal Point Villages Planning Unit Development, Mortgage Insurance, Seminole County, Florida	ER2	E
D-HUD-G85148-TX	Creekside Village and River Hills Village Subdivisions, Montgomery County, Texas	ER2	G
D-HUD-J85036-ND	Homestead Planned Development, Jamestown, Stutsman County, North Dakota	ER2	I
D-HUD-K24000-CA	Kenyon Drive and South Bonneyview Trunk Sewer Extensions, Shasta County, California		
	Nuclear Regulatory Commission		
D-NRC-D06000-PA	Susquehanna Steam Electric Station, Units 1 and 2, Allegheny Electric Cooperative, Inc., Pennsylvania.	ER2	D

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection
EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations
EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory
EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate
The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information
EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact of the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate
EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between May 1 and May 31, 1980*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
FS-COE-K35016-CA	Los Angeles Harbor Deeping Project, Los Angeles County, California.	EPA's concerns were adequately addressed in the final supplement	J
	Department of Agriculture		
F-AFS-K01000-WV	Jerritt Canyon Project, Gold Mine and Mill, Humboldt National Forest, Elko County, Nevada.	EPA's concerns were adequately addressed in the final EIS	J
F-SCS-C38003-NY	Hogansburg Agricultural Land Drainage, St. Lawrence and Franklin Counties, New York.	EPA's concerns were adequately addressed in the final EIS	C
F-SCS-G36080-OK	Hoyle Creek Watershed, Protection, Major County, Oklahoma.	EPA's concerns were adequately addressed in the final EIS	G
	Department of Defense		
F-USN-B11005-ME	Land Acquistion, Clear Zone, Naval Air Station, Brunswick, Cumberland County, Maine.	EPA's concerns were adequately addressed in the final EIS	B
F-USN-C10002-NJ	Modernization and Expansion of Logistic Support Systems, Naval Weapons Station, Earle, Colts Neck, Mammouth County, New Jersey.	EPA continues to have reservations concerning the environmental impacts of dredging and ocean disposal of the material to be dredged from the proposed channel and turning basin in Sandy Hook Bay. EPA believes that the final EIS does not demonstrate that alternative disposal methods and alternative auxiliary oil and explosive ships homeports have been adequately evaluated.	C
	Department of the Interior		
F-IBR-J35004-UT	Upalco Unit Irrigation, Lake Fork River, Ashley National Forest, Duchesne County, Utah.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA continues to have concerns regarding the proposed wetland mitigation plan and additionally takes exception to the position expressed on salinity impacts.	I
	Department of Transportation		
F-FAA-G51003-OK	Tulsa International Airport, Development, Tulsa, Tulsa County, Oklahoma.	EPA's concerns were adequately addressed in the final EIS	G
F-FAA-K51011-TT	Yap State Airport Improvement, Federated States of Micronesia U.S. Trust Territory.	EPA's concerns were adequately addressed in the final EIS	J
F-FHW-F40135-IL	South Stoney Island Avenue, Improvement, East 64th Street to East 70th Street, Chicago, Cook County, Illinois.	EPA's concerns were adequately addressed in the final EIS	F
F-FHW-G40067-LA	Railroad Highway Demonstration Project, Metairie, Jefferson Parish, Louisiana.	EPA's concerns were adequately addressed in the final EIS	G
F-FHW-G40075-OK	I-33 Improvements, U.S. 69 to OK-33, Delaware and Mayes Counties, Oklahoma.	EPA's concerns were adequately addressed in the final EIS	G
F-FHW-K40065-CA	CA-92 Gap Closure and CA-92/101 Interchange Completion, San Mateo County, California.	EPA's concerns were adequately addressed in the final EIS	J
F-FHW-L40050-OR	U.S. Scappoose Section, Lower Columbia River Highway, Columbia County, Oregon (FHWA-OR-EIS-77-01-F).	On the basis of the air quality analysis in the document, EPA considers this final EIS as unresponsive. Inadequacies in the analysis preclude both an evaluation of the air quality impacts of the project and a determination of the project's consistency with the Oregon State implementation plan as required by section 176(c) of the Clean Air Act.	K
F-UMT-K54002-CA	Transit System Improvements, Los Angeles Regional Core, California.	EPA's concerns were adequately addressed in the final EIS	J
	Department of Housing and Urban Development		
F-HUD-D85020-MD	Chesterfield Subdivision, Anne Arundel County, Maryland.	EPA's concerns were adequately addressed in the final EIS	D
F-HUD-F89006-WI	Wausau Downtown Shopping Center, Wausau (UDAG), Marathon County, Wisconsin.	EPA expressed concern since requested information was not presented in the final EIS. Subsequently EPA requested a copy of the record of decision and related progress reports on mitigatcn measures.	F

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between May 1 and May 31, 1980*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
F-HUD-L85013-WA	Cascade Park Planned Community, Vancouver, Clark County, Washington (HUD-RIO-EIS-79-2F).	EPA's review indicates the final EIS is unresponsive to comments on the draft EIS. Specifically, the air quality impact analysis has not been presented in either the draft of the final EIS. EPA cannot adequately evaluate the impacts of the proposal with the absences of this information.	K

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between May 1 and May 31, 1980*

Identifying No.	Title	Source of Review
	Department of Agriculture	
F-AFS-L64009-AK	Main Bay Hatchery, Western Prince William Sound Area, Chugach National Forest, Alaska	K
F-APH-A82104-OO	Cooperative Gypsy Moth Suppression and Regulatory Program 1980 Activities	A
F-SCS-L36056-OR	South Priceboro Creek, Upper Willamette RC&D Area, Flood Prevention Measure, Linn County, Oregon	K
	Department of Energy	
FS-DOE-A00108-WA	Double-Shell Tanks for Defense High-Level Radioactive Waste, Hanford Site, Richland, Benton County, Washington (DOE/EIS-0063-F)	A
FS-DOE-a00126-SC	Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Savannah River Plant, Aiken County, South Carolina (DOE/EIS-0062F).	A
	Department of Transportation	
F-FHW-E40144-TN	Walnut Street Bridge Replacement, Hamilton County, Tennessee	E
F-FHW-E40170-TN	TN-34 Relocation, From Old TN-34 to TN-44, Sullivan County, Tennessee	E
F-FHW-E40189-FL	U.S. 19, FL-55, Grandy Boulevard to Pinellas, Pasco County, Florida	E
	Federal Energy Regulatory Commission	
F-FRC-L36070-AK	Application for License for the Swan Lake Project, Alaska (FERC Project No. 2911)	K
	General Services Administration	
F-GSA-F81008-WI	Lease Construction of a New Federal Building, Milwaukee, Milwaukee County, Wisconsin	F

Appendix V.—*Regulations, Legislations and Other Federal Agency Actions for Which Comments Were Issued Between May 1, and May 31, 1980*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Department of Agriculture		
A-AFS-A82103-OO	Forest Service Policy on Pesticide Use and Criteria for Use of 2,4,5-T and 2,4-D, Notices (45 FR 1650).	EPA agrees with the principles set forth in the first statement of policy that pesticides should be used only after consideration of alternatives based on competent analysis of effectiveness, specificity, and environmental impact; and only when pesticide use is essential to meet management goals. EPA also had specific comments regarding cost benefit analysis, suspended uses of 2,4,5-T and silves, buffer zones, and important continued research in these areas.	A
A-AFS-K65037-CA	Environmental Assessment, Gasquest Conifer Release, Six Rivers National Forest, California.	EPA offered several comments relating to the herbicide usage and water quality	J
R-ASC-A866167-OO	7 CFR Part 799, Floodplain Management and Wetland Protection (45 FR 16493).	EPA supports ASCS in its objective, as stated in the supplementary information section, of encouraging measures, through its assigned programs, which would improve water quality and establish wildlife habitats. We also support the agency's decision to end cost-sharing assistance for the drainage of wetlands and would like to see the final rule do the same for filling practices. EPA recommend that the State committees retain final decisionmaking authority, and that followups are done on funded activities to ensure compliance with ASCS regulations.	A
	Department of the Interior		
R-BLM-A61299-OO	43 CFR Part 8350, Management Areas; Prohibited Acts in Wild and Scenic River Areas (45 FR 14607).	EPA supports BLM's proposed rule providing BLM manages with authority to establish rules and prohibitions in managing wild and scenic rivers under BLM jurisdiction. However, EPA suggested that the public be given an opportunity to propose, evaluate and review any such role, and further, EPA recommends that the rule specify that any such rules on proscriptions be restricted to actions necessary to carry out the intent of the Wild and Scenic Rivers Act, and that the penalty ceiling be raised. EPA also suggests that if BLM policy is to maintain a *status quo* use by area residents, such a statement should be explicit, and that the list of prohibitions be reconsidered and rewritten to be more clear.	A
A-IGS-A02155-OO	Notices, comments solicited on certain requirements of Outer Continental Shelf (OCS) Orders Nos. 1, 2, 5, and 7 (45 FR 24713).	EPA supports the requirement in OCS Order No. 7, Subparagraph 3.2c, Oil Spill Contingency Plan, that the plan contain provisions for identifying and protecting areas of special biological sensitivity. In areas where weather and ocean conditions exceed spill clean-up technology, EPA recommends additional emphasis on prevention. EPA supports USGS's continuing efforts to improve measures for preventing spills and blowouts.	A

Appendix V.—*Regulations, Legislations and Other Federal Agency Actions for Which Comments Were Issued Between May 1, and May 31, 1980*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
R-OSM-A01062-OO	30 CFR Parts 783, 816, 817, Permanent Regulatory Program (45 FR 25990).	EPA does not believe any adverse air or water quality impacts will result from the implementation of these proposed regulations.	A
A-NPS-D08004-VA	Assessment, Construction of 765 kV Powerline Across the Blue Ridge Parkway, Virginia.	EPA offered comments to assist the park service in further project development.	D
A-NPS-K40078-CA	Scoping, Land Acquisition of Highway Right of Way for U.S. 101, Redwood National Park, California.	EPA offered suggestions relating air quality and traffic controls for possible inclusion in the EIS.	J
A-NPS-K61042-CA	Revised Assessment, Golden Gate Energy Center, Golden Gate National Recreation Area, Fort Cronkhite, California.	EPA suggested water supply and wastewater disposal be integrated into the facility design and educational program.	J
	Department of Transportation		
N-FAA-F51024-MI	FNSI, improvement of Bishop Airport, Flint, Michigan.	EPA expressed major concern with the proposed project and requested additional information necessary to adequately assess the impacts of the proposed action. EPA specifically requested an assessment of the impacts of the relocation of a portion of Swartz Creek to its original alignment, the effect of the project on water supply and quality, possible adverse effects on the sewage collection system, the soil drainage characteristics and any drainage problems and a definition of the secondary impacts.	F
A-FHW-A41178-FL	U.S. 41, FL-45, Halfway Creek To North of Estero, Lee County, Florida.	EPA concerns were adequately addressed in the supplemental information.	E
A-FHW-D40092-MD	Air Quality Analysis, U.S. 113 Relocated, North of Berlin to the Delaware Line, Maryland.	EPA has no objections to the proposed project from an air quailty standpoint.	D
A-FHW-D40094-MD	Draft Air Quality Analysis, MD-214, I-95 to U.S. 301, Prince Georges County, Maryland.	EPA has no objections to the proposed project from an air quality standpoint. However, EPA is concerned that the 1985 projected 8-hr. CO concentration at receptor No. 5 may exceed the NAAQS if Maryland's inspection/maintenance program is not as effective as the analysis anticipates.	D
A-FHW-D40095-MD	Assessment, MD-173, Stoney Creek to Tick Neck Road, Anne Arundel County, Maryland.	EPA has no objections to the project as proposed from an air quality standpoint.	D
A-FHW-D40096-MD	Assessment, MD-175, Snowden River Parkway, U.S. 29, Howard County, Maryland.	EPA has no objections to the project as proposed from an air quality standpoint.	D
A-FHW-D40097-MD	Assessment, MD-702 Extended, Old Eastern Avenue to Back River Neck Road, Baltimore County, Maryland.	EPA expressed concern that the projected 1988 8-hr CO concentration for alternative 2 at site 1A is 9.2 MG/m^3.	D
A-FHW-D40098-MD	Assessment, MD-115, Montgomery Village Avenue to Norbeck, Baltimore County, Maryland.	EPA has no objections to the selection of alternate 4 from an air quality standpoint	D
A-FHW-K40075-CA	Assessment, California Forest Highway, CA-7, Mendocino Pass Highway, California.	EPA has no formal comments to offer at this time.	J
A-FHW-K40077-NV	Assessment, Proposed I-15 Interchange Near Oquendo Road, Clark County, Nevada.	EPA feels that the proposed project would increase vehicle miles traveled (VMT) in the Las Vegas valley. The draft EIS should quantify the VMT increases that are expected and indicate if these increases are included in the emissions growth calculations used in the Las Vegas Valley air quality implementation plan of December 5, 1978.	J
	Nuclear Regulatory Commission		
R-NRC-A86163-OO	10 CFR Parts 2, 30, 40, 50, 51, 70 and 110; Environmental Protection Regulations for Domestic Licensing, Related Regulatory Functions, and Related Conforming Amendments (45 FR 13739).	EPA is concerned that a critical element of the NEPA process, the consideration of alternatives to the proposed Federal action, is lost when the commission limits its licensing functions to approval or denial of applications. NEPA—as shown in case law and as codified in the new CEQ regulations—clearly requires the decisionmaker to consider the whole range of feasible alternatives.	A

Appendix VI—Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, GA 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 80-30186 Filed 9-29-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1618-7]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of June 1, 1980 and June 30, 1980.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements

reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the EPA source of review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note.—This is a 1980 report; the backlog of reports should be eliminated over the next two months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460, telephone 202/755–2808.

Copies of the draft and final environmental impact statements referenced herein are available from the original Federal department or agency.

Dated: September 24, 1980.

Thomas R. Sheckells,

Acting Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between June 1 and June 30, 1980*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
DS-COE-A30064-NJ	Capte May Inlet to Lower Township, New Jersey Coastal Inlets and Beaches From Hereford Inlet to Delaware Bay Entrance, New Jersey.	ER2	C
DS-COE-A32188-MT	Libby Dam and Lake Koocanusa, Additional Units, Lincoln County, Montana	LO2	I
DS-COE-A32390-MO	Harry S. Truman Dam and Reservoir, Osage River, Downstream Measures, Benton County, Missouri.	ER2	H
D-COE-E32029-FL	Port of Miami Expansion Program, Biscayne Bay, Dade County, Florida	ER2	E
D-COE-E32030-FL	Wiggins Pass Small Boat Navigation Improvement, Collier County, Florida	EU1	E
DR-COE-E82003-SC	Cooperative Aquatic Plant Control Program, South Carolina	LO2	E
D-COE-F32066-MI	Cedar River Recreational Boat Harbor, Cedar River, Menominee County, Michigan	LO1	F
D-COE-G32035-OK	Big and Little Sallisaw Creeks, Navigation Project, Sequoyah County, Oklahoma	3	G
D-COE-K32023-HI	Maalaea Harbor Light-Draft Vessels, Island of Maui, Maui County, Hawaii	LO1	J
D-COE-K32024-TT	Saipan Small Boat Harbor, Saipan, Northern Marianas Trust Territory	LO1	J
	Department of Agriculture		
D-AFS-H61005-MO	Paddy Creek Wilderness Study Area, Mark Twain National Forest, Texas County, Missouri	LO1	H
DS-AFS-K82001-AZ	Western Spruce Budworm Management Program, Kaibab National Forest, Coconino County, Arizona.	LO2	J
D-SCS-K36041-CA	Central Sonoma Watershed Project, Spring Creek Subwatershed, Sonoma County, Calif	LO1	J
	Department of Commerce		
D-EDA-B91016-RI	Woonsocket Industrial Park, East Woonsocket, Rhode Island	LO2	B
RD-NOA-A90047-CA	The Proposed Point Reyes-Farallon Islands Marine Sanctuary, off the California Coast, Pacific Ocean.	LO2	A
D-NOA-C90004-NJ	New Jersey Coastal Management Program (CZM), New Jersey	LO2	C
D-NOA-E30015-MS	Mississippi Coastal Management Program (CZM), Mississippi	ER2	E
DS-NOA-L64012-AK	Fishery Management Plan, High Seas Salmon Fishery off the Coast of Alaska, East of 175 Degrees East Longitude, Alaska.	LO1	K
	Department of Energy		
D-DOE-K08006-OO	230 kV International Transmission Line, San Diego Gas and Electric Company, San Diego County, California and Tijuana, Mexico.	LO2	J
DR-BPA-L08029-OO	Role of the Bonneville Power Administration, Pacific Northwest Power Supply System, Including Its Participation in a Hydro-Thermal Power Program (DOE/EIS-0666).	LO2	K
	Department of the Interior		
DS-BLM-A02093-AK	Federal and State Oil and Gas Lease Sale, Beaufort Sea, Outer Continental Shelf (OCS), Offshore Alaska.	ER2	A
D-BLM-J03000-OO	Mapco's Rocky Mountain Liquid Hydrocarbons Pipeline, Right-of-Way, Permit, Texas, New Mexico, Colorado and Utah.	ER2	I
D-BLM-J61031-CO	Powderhorn Wilderness Study, Gunnison and Hinsdale County, Colorado	LO1	I
D-BLM-J99016-CO	Gunnison Basin Livestock Grazing Management Program, Silverton Planning Unit, Colorado	LO2	I
D-BLM-J99019-CO	White River Resource Area Grazing Management, Colorado	LO2	I
D-BLM-K61041-AZ	Arizona Strip Wilderness Designation, California	LO1	J
D-BLM-K65038-NV	Tonopah Grazing, Proposed Livestock Grazing Management Program for Tonopah Resource Area, Nye County, Nevada.	LO1	J
D-BLM-K67001-NV	Tonopah Resource Area, Anaconda Nevada Molybdenum Project, Nye and Lander Counties, Nevada.	LO2	J
D-BLM-L65058-OO	Owyhee Grazing Management Program, Idaho and Oregon	LO1	K
D-BLM-L65059-OR	Ironside Grazing Management Program, Baker and Malheur Counties, Oregon	LO1	K

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between June 1 and June 30, 1980* —Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	Department of the Interior—Continued		
DS-NPS-C61001-NY	Fire Island National Seashore Wilderness Study, Suffolk County, New York	LO1	C
	Department of Transportation		
D-FAA-B51005-MA	Development of Bird Island Flats, Logan International Airport, Boston, Suffolk County, Massachusetts.	LO2	B
DA-FHW-A41457-IA	U.S. 20 to U.S. 52/IA-3, IA-561, Dubuque, North-West Arterial, Dubuque County, Iowa (FHWA-IOWA-EIS-72-07-DS).	ER2	H
D-FHW-E40190-TN	Tn-92, Dumplin Valley Road to Jefferson City, Jefferson County, Tennessee	LO1	E
D-FHW-F53012-IN	Hammond Railroad Relocation and Consolidation Project, Lake County, Indiana	LO2	F
D-FHW-G40081-NM	North Valley River Crossing, Bernalillo County, New Mexico	LO2	G
D-FHW-H40094-IA	Hackett Road Bypass, Waterloo, Black Hawk County, Iowa (FHWA-IOWA-EIS-80-03-D)	ER2	H
D-FHW-H40096-NB	72nd Street, NB-370 to "L" Street, U.S. 275, Douglas and Sarpy Counties, Nebraska (FHWA-NEB-EIS-80-01-D).	Er2	H
D-FHW-J40053-CO	North Washington to 38th Street, Lawrence/Larimer to I-70, Denver County, Colorado	ER2	I
D-FHW-K40076-HI	Haleiwa Bypass, Kamehameha Highway Realignment, HI-83, Island of Oahu, Hawaii	LO2	J
D-FHW-L40093-OR	Barnes Road Widening, U.S. 26/OR-217 Interchange to Multnomah County Line, Oregon	ER2	K
D-FHW-L40095-AK	Richardson Highway, AK-4 Milepost 100 to Milepost 106.5 Copper Center, Alaska (FHWA-AK-EIS-80-01-D).	LO2	K
	Federal Energy Regulatory Commission		
D-FRC-J03001-OO	Trailblazer Project, Pipeline System, Wyoming, Colorado and Nebraska	LO2	I
	Great Lakes Basin Commission		
D-GLB-F39011—OO	Great Lakes Basin Commission, Water Conservation Assessment	LO2	F
	General Services Administration		
D-GSA-C81005-NY	Queens Federal Building, Consolidation, Queens, New York	LO2	C
D-GSA-C81006-NY	201 Varick Street, Federal Building, Repair and Alteration Project, New York, New York	LO1	C
	Department of Housing and Urban Development		
D-HUD-C85022-PR	El Conquistador Development, Mortgage Insurance, Trujillo Alto, Puerto Rico	LO2	C
D-HUD-C89005-NY	Downtown Cultural District Development Plan, Rochester, Monroe County, New York	LO2	C
D-HUD-E85063-GA	Turtle Creek Subdivision, Mortgage Insurance, Warner Robins, Houston County, Georgia	LO2	E
D-HUD-F85054-MN	Cloverleaf Farm Residential Development, Blaine, Anoka County, Minnesota	ER2	F
D-HUD-F89008-WI	Storm Sewer Recreational Development Element (CDBG), Small Cities Program, De Pere, Brown County, Wisconsin.	LO1	F
D-HUD-G85149-TX	Copperfield Subdivision, Mortgage Insurance, Harris County, Texas	ER2	G
D-HUD-K85026-AZ	Countryside Housing Subdivision, Pima County, Arizona	LO2	J
D-HUD-K85027-CA	Phillips Ranch Housing Development Project, City of Pomona, Los Angeles County, California	LO1	J
D-HUD-L38001-WA	White Center Drainage Improvement Project, King County, Washington	LO1	K
	Department of State		
D-STA-L64011-OO	Convention for Conservation of Migratory Caribou and Their Environment, United States and Canada.	LO1	K

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggestions only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modification is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between June 1 and June 30, 1980*

Identifying No.	Title	General Nature of Comments	Source for copies of comments
	Corps of Engineers		
F-COE-E40171-GA	Harry S. Truman Parkway, Savannah, Permit, Chatham County, Georgia.	EPA believes the Proposed Project is Unsatisfactory From the Standpoint of Health, Welfare and Environment. Based on this determination, EPA will consider referring the proposal to the Council on Environmental Quality, pursuant to 40 CFR 1504 and section 309(b) of the Clean Air Act, at the time the permit decision is made by the Corps.	E
F-COE-F36056-MI	Large Unnamed Creek, Loves Park, Winnebago County, Illinois.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-G36074-TX	Boggy Creek Watershed Project, Colorado River, Travis County, Texas.	EPA's concerns were adequately addressed in the final EIS.	G
	Department of Agriculture		
FS-AFS-A65043-CA	Fox Unit Plan, Six Rivers National Forest, Del Norte County, California.	EPA's conserns were adequately addressed in the final supplement. However, EPA feels that the best management practices (BMP's) for management of such lands should be incorporated into any river basin management plan which is developed.	J
F-AFS-G65033-TX	Timber Management Plan, Davy Crockett National Forests, Houston and Trinity Counties, Texas.	EPA's concerns were adequately addressed in the final EIS.	G
F-AFS-L65050-AK	Timber Sale Operating Plan for Chatham and Strikine Areas, Tongass National Forest, Alaska Lumber and Pulp Company, Alaska.	EPA continues to have environmental reservations on the project as proposed. These concerns relate specifically to the program to pre-road the Kadashan management area, the unknown and unmitigated effects of log transfer sites upon marine life in bays and coves, the cutting of substantial acreage on slopes exceeding 75 percent, and the harvesting of 10,185 acres of marginal timber.	K
F-APH-A82105-00	Rangeland Grasshopper Cooperative Management Program, Conterminous United States (USDA-APHIS-ADM-79-1-F).	EPA finds the grasshopper program manual, guidance procedures insufficient to reduce pesticide spray drift into sensitive areas. EPA recommends that APHIS review its program manual and submit numerous and detailed recommendations for such revision. Further, EPA finds guidance provided in the program manual at times, inconsistent with statements in the final EIS.	A
F-REA-E0700-KY	D. B. Wilson Station Units 1 and 2, Associated Transmission Facilities, Nelson County, Kentucky.	Generally, EPA's concerns were adequately addressed in the final EIS. However, several minor modifications to the draft NPDES permit are required.	E
F-SCS-E36056-KY	Salt Lick Creek Watershed, Bath and Menifee Counties, Kentucky.	EPA's concerns were adequately addressed in the final EIS.	E
	Department of Energy		
F-DOE-A00139-OO	U.S. Spent Power Reactor Fuel Storage of U.S. Spent Power Reactor Fuel, Vols. 1-5.	EPA continues to have serious concerns regarding U.S. policy for the storage of foreign spent nuclear power reactor fuel since the risks will be born by the U.S. with no assurance of benefits. The EPA also urges requirements that assure that packing, shipping and transportation comply with U.S. regulations in effect at the time of transport to a U.S. site.	A
	Department of the Interior		
F-BLM-J01027-CO	Superior Oil Company, Land Echange and Oil Shale Resource Development, Rio Blanc County, Colorado.	EPA finds the final EIS to be inadequate in its evaluation of the direct lease alternative, the potential leaching of toxic metal ozides from spent shale disposal and subsequent discharge to Piceance Creek, the alternative means of mitigating community impact, and failure to select the environmentally preferred product transport method. Furthermore, EPA believes the BLM has been unresponsive to the concerns raised by EPA and other Federal, State and local governments and organization on the draft EIS.	I
	Department of Transportation		
F-FAA-H51012-MO	Lambert-St. Louis International Airport, St. Louis, St. Louis County, Missouri.	EPA continues to have environmental reservations with the increased airport/aircraft noise that would result from the proposed runway extension projects. EPA requested the ongoing resident relocation program by the St. Louis Airport Authority be expanded and all residents within the expected 75 LDN noise contours be given the opportunity to be relocated to quieter neighborhoods.	H
F-FHW-C40039-NY	NY-47 Rochester Outer Loop, Greece, Monroe County, New York.	EPA's concerns were adequately addressed in the final EIS.	C
F-FHW-D40061-VA	I-81, Upgrade Improvements, I-77 North and South Junctions, Wythe County, Virginia.	EPA's concerns were adequately addressed in the final EIS.	D
F-FHW-E40128-NC	I-40, Raleigh Beltline to I-95, Near Bensen, Harnett, Wake and Johnston Counties, North Carolina (Second Final).	EPA suggests that if the erosion control measures that are included in the FEIS are incorporated into the project, adverse environmental impacts of the project should be minimum.	E
F-FHW-E40155-NC	U.S. 264 Improvements, Wilson to Greenville, Wilson, Greene, and Pitt Counties, North Carolina.	Generally, EPA's concerns were adequately addressed in the final EIS. However, believes that if the mitigation measures described in the FEIS are incorporated into the project design and construction, the long-term environmental impacts of the project can be minimized.	E
F-FHW-E40192-TN	TN-1, Waverly Bypass, Humphreys County, Tennessee.	EPA feels if the mitigation measures for noise attenuation and erosion control are incorporated into the project, the long-term environmental impacts can be minimized.	E
F-FHW-L40084-OR	I-5, Jantzen Beach and Delta Park Interchange, Pacific Highway, Multnomah County, Oregon.	Generally, EPA's concerns were adequately addressed in the final EIS. However, due to the close proximity of the predicted 8-hour CO concentrations in 1981 to the national 8-hour standard, EPA requests additional information on the methodology used in the air quality analysis.	K
	General Services Administration		
F-GSA-E81018-AL	Acquisition and Renovation of Union Station, Montgomery, Montgomery County, Alabama.	EPA's concerns were adequately addressed in the final EIS.	E

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between June 1 and June 30, 1980*—Continued

Identifying No.	Title	General Nature of Comments	Source for copies of comments
	Department of Housing and Urban Development		
F-HUD-E28032-TN	Poor Farm Ridge Community Waterline Extension, Campbell County, Tennessee (CDBG).	EPA concerns were adequately addressed in the final EIS.	E
F-HUD-E28033-TN	Fincastle Area Waterline Extension, Economic Improvement Project, Campbell County, Tennessee (CDBG).	EPA concerns were adequately addressed in the final EIS.	E
F-HUD-E85051-FL	Bloomingdale Planned Unit Development, Tampa, Hillsborough County, Florida.	EPA's concerns raised in the draft EIS relative to waste water disposal, erosion control, and wetlands preservation have been adequately addressed in the final EIS. However, information concerning air quality appears sketchy. Much of the material presented was extracted from a development of regional impact (DRI) statement submitted to the State of Florida in January 1974. It is doubtful, from EPA's standpoint, that a 1974 DRI would contain the necessary data since emission factors and methodologies have changed considerably since that time.	E
F-HUD-E85052-TN	Ridgeway Estates Subdivision and Vicinity, Mortgage Loans, Shelby County, Tennessee.	EPA's concerns were adequately addressed in the final EIS. However, EPA is concerned with the possibility that past hazardous waste disposal practices may affect sites in the development area. At this time, photographic interpretations reveal the presence of disposal sites that warrant further investigation before a determination can be made as to whether these disposal sites are hazardous or not. In the next 30 to 60 days, EPA will schedule these areas for groundtruthing, and sampling and analysis, if necessary.	E
F-HUD-E85053-TN	Waverly Plantation Planned Community, Shelby County, Tennessee.	EPA's concerns were adequately addressed in the final EIS. However, EPA is concerned with the possibility that past hazardous waste disposal practices may affect sites in the development area. At this time, photographic interpretations reveal the presence of disposal sites that warrant further investigation before a determination can be made as to whether these disposal sites are hazardous or not. In the next 30 to 60 days, EPA will schedule these areas for groundtruthing, and sampling and analysis, if necessary.	E
F-HUD-E85055-TN	Hunter's Hollow Planned Community, Shelby County, Tennessee.	EPA's concerns were adequately addressed in the final EIS. However, EPA is has expressed concern relative to past hazardous waste disposal practices which may affect sites in the vicinity of the planned community.At this time, photographic interpretations reveal the presence of disposal sites that warrant further investigation before a determination can be made as to whether these disposal sites are hazardous or not. In the next 30 to 60 days, EPA will schedule these areas for groundtruthing, and sampling and analysis, if necessary.	E
FS-HUD-F85027-MN	Jonathan New Community, Chaska, Carver County, Minnesota.	In prior comments, EPA suggested HUD and the city arrive at an agreement regarding zoning policies for the protection of valuable natural resources. EPA expressed concern that HUD should assume a leadership role in augmenting the President's urban and wetland policies.	F
F-HUD-G85020-TX	First Colony Subdivision, Sugar Land, Fort Bend County, Texas.	EPA's concerns were adequately addressed in the final EIS.	G
F-HUD-G850139-TX	Imperial Oaks Subdivision, Mortgage Insurance, Montgomery County, Texas.	EPA's review of the final EIS indicates HUD has been unresponsive to concerns raised by EPA in the review of the draft EIS. Specifically, EPA's concerns relate to the availability of adequate wastewater treatment facilities and the risk to lives and property as a result of building homes in the 100-year floodplain.	G
	Interstate Commerce Commission		
F-ICC-A53049-OO	Connection of CSX Corporation with Chessie System Inc. and Seaboard Coast Line Industries, to create a single railroad system.	After review of the final EIS EPA continues to have reservations on the proposal relating to possible impacts on wetlands, and indirect impacts on air quality.	A
	National Science Foundation		
F-NSF-A84024-OO	U.S. Antarctic Program, Antarctica	EPA has no objections to the action as proposed.	A
	Tennessee Valley Authority		
F-TVA-E61031-AL	Development and use of Mallard-Fox Creek Area, Decatur County, North Alabama.	EPA fully supports the designation of 1,500 acres of Mallard-Fox Creek area as a long-term wildlife management area. Furthermore, EPA believes that any industry approved for location in this area must be carefully selected so as to assure that the air and water quality conditions of this area are not aggravated.	E

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between June 1 and June 30, 1980*

Identifying No.	Title	Source of Review
	Corps of Engineers	
F-COE-L82005—WA	Aquatic Plant Management Program, King, Okanogan County, Washington.	K
	Department of Agriculture	
F-AFS-J65083-CO	Upper Arkansas Planning Unit Pike and San Isabel National Forest, Chaffee, Fremont, Lake, Park and Saguache Counties, Colorado	I

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between June 1 and June 30, 1980*—Continued

Identifying No.	Title	Source of Review
	Department of Commerce	
RF-NOA-B91015-OO	Revisions to the Regulations Governing the United States Atlantic Bluefin Tuna Fishery, Atlantic and Gulf of Mexico Coasts of the United States.	A
	Federal Energy Regulatory Commission	
FS-FRC-E03001-OO	Zachary to Fork Lauderdale Pipeline Construction and Conversion Project, Louisiana, Mississippi, Alabama, and Florida	E
	Department of the Interior	
F-HCR-L61136-AK	Proposal for Protection of Eleven Alaskan Rivers (Protection of River Corridors), Alaska	K
F-SFW-L64010-AK	Proposed Alaska Peninsula and National Wildlife Refuge, Alaska	K
FS-SFW-L64014-AK	Iliamna National Resource Range, Wildlife Refuge, Alaska	K
	Department of Transportation	
RF-NHT-A52147-OO	Pursuant to Section 102(s)(c), Public Law 91-190, 83 Stat. 853, 42 U.S.C. 4332(2)(c) for Average Fuel Economy Standards for Light Trucks Model Year 1982.	A

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between June 1 and June 30, 1980*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
R-COE-A86166-OO	33 CFR Part 325, Processing of Department of the Army Permits; Procedures for the Protection of Cultural Resources, Action: Proposed Counterpart Regulations (45 FR 22112).	EPA feels several issues should be clarified or revised prior to final issuance of the regulations. There is some uncertainty of the limits of the corps responsibilities to investigate properties. There is also some uncertainty regarding the use of the terms eligible, listed, and national register properties. Additionally, clarification of the terms affected and permitted areas is requested. Procedures for public notification are not adequately described in these regulations and clarification is requested regarding the utilization and necessity of counterpart regulations.	A
A-BLM-K09003-CA	Environmental Assessment, East Mesa, Proposed Geothermal Leasing, California.	EPA offered several comments on the draft assessment relating to air and water quality impacts. Specifically EPA suggested the final assessment address the source of the water for the proposal, the issue of conflict between agricultural and geothermal interests in terms of availability, protection of groundwater quality and quantity, and a quantitative assessment of air quality impacts.	J
R-HCR-A86171-OO	36 CFR Part 1204; Determinations of Eligibility for Inclusion in the National Register of Historic Places, Proposed Rule (45 FR 34909).	EPA is not sure the additional information required of the SHPO justifies extending the SHPO's commenting period from 30 to 45 days. This will create additional timing problems for program affected by sec. 106 of the National Historic Preservation Act and the advisory councils implementing regulations. EPA requests more discussion justifying the extension. If the 45-day commenting period is implemented we request a limit be set for a SHPO's response to inadequate documentation. EPA has no comments on the Tax Reform Act regulations since this process would not affect EPA undertakings.	A
A-IBM-A90048-OO	Floodplain Management and Wetlands Protection Procedures, Notice (45 FR 30700).	In general, EPA believes that the proposed procedures are well written and fulfill the goals of E.O. 11988 and 11990.	
R-IGS-A02157-OO	30 CFR Part 250, Oil and Gas and Sulphur Operations in the Outer Continental Shelf (45 FR 15147).	EPA commented on proposed revisions to Department of Interior (DOI) Geological Survey OCS in regulations. The proposed revisions are intended to accommodate air regulations in States with standards more stringent than NAAQS (California). EPA believes that the DOI needs to establish conformity determination procedures for OCS actions in lands adjacent to States with EPA approved, conditionally approved for promulgated SIPS, in accordance with section 176(c) of the Clean Air Act. EPA has offered assistance to DOI to develop conformity determination procedures.	A
	Department of Transportation		
A-CGD-K24002-CA	Assessment, U.S. Coast Guard Communications Station, S.F. Point Reyes Housing Area, Sewage Transfer Facility Improvements, California.	EPA suggested the final assessment clarify the nature of surface water runoff, the extent of adverse impacts and a determination of the extent of impacts on adjacent streams.	J
N-CGD-K60011-CA	Assessment/Fonsi, Relocation of Coast Guard Humboldt Bay Radiobeacon, From Its Position Near North Jetty at Entrance to Humboldt Bay to Coast Guard at Humboldt Bay, California.	EPA has no comments to offer at this time	J
A-FAA-K51023-CA	Assessment, San Jose Municipal Airport, Master Plan, an Economic and Planning Management Program, California.	EPA offered several comments relating to noise and air quality impacts	J
A-FHW-D40099-MD	Assessment, U.S. 50, Salisbury, Maryland	EPA has no objections to the project from an air quality standpoint	D
R-MTB-A55010-OO	49 CFR Parts 173 and 177, Highway Routing of Radioactive Materials, Action: Notice of Proposed Rulemaking (Docket No. HM-164; Notice No. 80-1) (45 FR 7140).	EPA commended DOT on the general intent and methods outlined in the proposed regulations, but suggested that physical environmental conditions should receive more attention when routes are selected in order to minimize the risk of contamination to environmentally sensitive areas adjacent to selected roads. EPA further suggested that DOT consider analysis and control of other hazardous materials to provide systematic and substantial protection from all hazardous materials transport. EPA suggested several other minor clarifications and changes in the proposed rulemaking.	A
A-UMT-K40079-CA	Scoping Request, Sacramento I-80 Corridor Alternatives Analysis, California.	EPA suggested that each alternative address the base line estimated time of completion and a plus 20 years quantification of: Traffic volume changes, project emission rates of carbon monoxide, etc., assessment of possible CO violations and conformity with the nonattainment area plan.	J
	Nuclear Regulatory Commission		
R-NRC-A06141-OO	10 CFR Part 51, Licensing and Regulatory Policy and Procedures for Environemental Protection; Alternative Site Reviews (45 FR 24168).	EPA believes that the NRC should screen sites for safety factors prior to consideration of environmental impact—an action that could save time in the licensing process. Safety factors should include seismic activity, incompatible land use, and proximity to large population centers.	A

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between June 1 and June 30, 1980*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
Water Resources Council			
R-WRC-A86168-OO	18 CFR Parts 710, 711, 713, 714 and 716, Principals, Standards, and Procedures for Water Resources Planning (45 FR 25302).	EPA finds the proposed account systems weighted to favor economic (NED) benefits while disfavorable full assessment of environmental (EQ) benefits and values. EPA recommends expansion of the EQ account to include all EQ related effects, including those of the human as well as natural environment. As proposed, the account systems leave critical values in the other social effects account (OSDE) which precludes their full consideration in the decisionmaking process. In addition, measurement standards for computing beneficial and adverse effects are numerous and specified for the NED accounts, but limited and so broadly described in the EQ account as to provide minimal guidance for computing EQ benefits and effects.	A
Water and Power Resource Service			
A-WPR-K83000-OO	Assessment, Sierra Cooperative Pilot Project, Proposed Winter Cloud-Seeding Research in Sierra, Nevada and California.	EPA suggested that studies currently underway be completed prior to the project's initiation.	J

Appendix VI—Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460.
B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.
C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.
D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.
F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.
G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Tex. 75720.
H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.
I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.
J. Director of Public Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, Calif. 945108.
K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 80-30187 Filed 9-29-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1619-1; OPP-180490]

Department of Agriculture; Crisis Exemption To Use Naled

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Animal and Plant Health Inspection Service, U.S. Department of Agriculture (hereafter referred to as "USDA"), has availed itself of two crisis exemptions to use naled on fruit and vegetable acreage to control the oriental fruit fly in San Diego and Orange Counties, California.

DATE: In San Diego County, the crisis period started on July 21, 1980; in Orange County, on August 4, 1980. Since the programs were expected to take more than fifteen days, USDA requested specific exemptions to continue them.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to USDA, the oriental fruit fly (*Dacus dorsalis* Hendel) is a serious pest of fruits and vegetables in Hawaii and the Orient and its presence in California poses a potential, serious economic loss for the California fruit and vegetable industry. USDA reports that no pesticide is registered for eradication of this pest of fruits and vegetables. USDA states that the time element was so critical that there was no time to request specific exemptions for these programs. USDA reported that the area to be treated involves approximately 9 square miles around each fly recovery. Each bait spot or station requires approximately 0.25 gram of naled, applied at least 8 times, at 2-week intervals. There are 600 stations per square mile. Applications are being made by, or under the supervision of, trained pesticide applicators of the USDA and/or the California Department of Food and Agriculture. Applications are made by hand equipment and baits are placed out of the normal reach of children and pets. USDA does not anticipate any unusual or adverse environmental, human health, or residue effects as a result of these treatments. USDA has submitted requests for specific exemptions for continuation of this use of naled.

(Sec. 18, as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: September 24, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-30184 Filed 9-29-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1619-7; PF-65A]

ICI United States, Inc.; Filing of Pesticide Petition; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: ICI United States, Inc. has submitted a request for an amendment to pesticide petition PP 7F1915 for the combined residues of the insecticide 2-(dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate and its metabolites 5,6-dimethyl-2-(formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (both calculated as parent) in or on the raw agricultural commodities lettuce from "1.0 part per million" (ppm) to "3.0 ppm"; on Brussells sprouts, cauliflower, and bell peppers from "0.5 ppm" to 1.0 ppm"; on cabbage from "0.5 ppm" to "3.0 ppm"; and on broccoli from "1.0 ppm" to "2.0 ppm".

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Rm. E-343, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9458).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register on March 3, 1977 (42 FR 10045) that ICI United States, Inc., Concord Pike & New Murphy Road, Wilmington, DE 19897 had filed pesticide petition 7F1915 proposing to amend 40 CFR 180.365 by establishing a tolerances for combined residues of the insecticide 2-(dimethylamino)-5,6-4-pyrimidinyl dimethylcarbamate and its metabolities 5,6-dimethyl-2-(formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (both calculated as a parent) in or on the raw agricultural commodities broccoli and lettuce at 1.0 ppm; Brussells sprouts, cabbage, cauliflower, and bell peppers at 0.5 ppm; and chili peppers at 2.0 ppm.

ICI United States has submitted an amendment proposing to amend the petition by increasing the proposed tolerance on lettuce from "1.0 ppm" to "3.0 ppm"; on Brussels sprouts, cauliflower, and bell pepers from "0.5 ppm" to "1.0 ppm"; on cabbage from "0.5 ppm" to "3.0 ppm"; and on broccoli from "1.0 ppm" to "2.0 ppm".

The proposed analytical method for determining residues is a gas chromatographic procedure using a rebidium bromide thermionic detector.

(Sec. 408(d)(1), 68 Stat. 512; (7 U.S.C. 135))

Dated: September 24, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-30188 Filed 9-29-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1405]

American Oceanair Express, Inc.; Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a license to maintain a valid bond on file. Rule 510.9(d) further provides that a license may be revoked for, among other things, a change of circumstances whereby the licensee no longer qualifies as an independent ocean freight forwarder.

American Oceanair Express, Inc., 10910 La Cienega Blvd., Inglewood, California 90071, has failed to furnish a valid surety bond, and has apparently ceased operations as an independent ocean freight forwarder, and therefore no longer qualifies as an independent ocean freight forwarder.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1405 be and is hereby revoked effective September 19, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 1405, issued to American Oceanair Express, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon American Oceanair Express, Inc.

Robert G. Drew,

Director,

Bureau of Certification and Licensing.

[FR Doc. 80-30212 Filed 9-29-80; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3104-3]

Availability of Finding of No Significant Environmental Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do 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 (NEPA), 42 U.S.C. 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. T-3104-3 between the South Carolina State Ports Authority (the Authority) and the United States Lines, Inc. (U.S. Lines) amends the basic agreement to provide for rental of additional space at the Authority's Columbus Street Terminal off of Charlotte Street near the intersection of Charlotte and Concord streets in the City and County of Charleston, South Carolina, for the purpose of handling and storage of containers. It also provides for an increase in the fixed monthly rental charge to six thousand, three hundred seventy-five and 23/100 dollars ($6,375.23).

The Commission's final resolution of Agreement No. T-3104-3 will cause no significant adverse environmental effects in excess of those created by existing uses.

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 October 20, 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.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80-30213 Filed 9-29-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80-64]

Cutter Laboratories Overseas Corp. Versus Maersk Lines; Filing of Complaint and Assignment

Notice is given that a complaint filed by Cutter Laboratories Overseas Corporation against Maersk Lines was served September 19, 1980. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of sections 17, 18(a) and 18(b) (3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80-30214 Filed 9-29-80; 8:45 am]

BILLING CODE 6730-01-M

Pentagon Freight Services, Inc., and Cleveland Freight Service International, Inc., d.b.a. CFS-International; Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission

applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Pentagon Freight Services, Inc., 450 North Belt, Suite 158, Houston, TX 77060.
Officers: Ralph G. Wiseman, Vice President/General Manager; Douglas A. Paisley, II, Assistant Manager; Geoffrey R. Smith, President; Robert M. Goodsir, Treasurer; Jeffrey Adams, Vice President.
Cleveland Freight Services International, Inc. d.b.a. CFS–International, 1682 Carmen Drive, Elk Grove Village, IL 60007.
Officers: Ismail K. Renno, President, Rafael Swift, Executive Vice President; Dennis M. Costin, Executive Vice President.

By the Federal Maritime Commission.

Joseph C. Polking,

Assistant Secretary.

Dated: September 24, 1980.

[FR Doc. 80–30215 Filed 9–29–80; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Moline Financial Corp.; Formation of Bank Holding Company

Moline Financial Corporation, Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 64 percent or more of the voting shares of Exchange State Bank, Moline, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Moline Financial Corporation, Moline, Kansas, has also 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 the assets of Anita Hobbs Insurance Agency, Moline, Kansas.

Applicant proposes to engage directly in the operation of a general insurance agency selling life, accident, and health insurance, primarily to individuals. These activities would be performed from offices of Applicant's subsidiary bank in Moline, Kansas, and the geographic area to be served will be the same as the service area of the Bank: the southern half of Elk County, Kansas, and the northern half of Chautauqua, 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 October 23, 1980.

Board of Governors of the Federal Reserve System, September 23, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80–30174 Filed 9–29–80; 8:45 am]

BILLING CODE 6210–01–M

Tower-Soudan Agency, Inc., Proposed Retention of General Insurance Agency Activities

Tower-Soudan Agency, Inc., Tower, 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 retain its general insurance agency.

Applicant states that the proposed subsidiary would engage in general insurance agency activities in a town with a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Tower, Minnesota, and the geographic areas to be served are Tower, Minnesota and surrounding area. 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 statment 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 Minneapolis.

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 October 23, 1980.

Board of Governors of the Federal Reserve System, September 23, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80–30175 Filed 9–29–80; 8:45 am]

BILLING CODE 6210–01–M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 23, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comment (in triplicate) must be

received on or before October 20, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Nuclear Regulatory Commission

The NRC requests an extension without change of the application, reporting and recordkeeping requirements contained in 10 CFR Part 55, Operator's License. Specifically, § 55.10(a) which sets forth the information that must be contained in an application for a nuclear facilities operator's license; § 55.33 which sets forth the requirements for renewal applications for an operator's license; § 55.41 which requires the licensed operator to notify the NRC of any disability which occurs after the submission of his medical certificate; and Appendix A which requires periodic requalification program records be kept to document each licensed operator's or senior operator's participation in the program. The NRC estimates that time to prepare an application under § 55.10(a) will require 1.5 hours and approximately 1,800 will be filed annually; to prepare a renewal application under § 55.33 will require 1.5 hours and approximately 900 will be filed annually; to prepare a notification to NRC of a disability under § 55.41 will require 15 minutes and approximately 15 are expected to be filed annually; and to keep records for the requalification program under Appendix A will require 15 minutes for each record and records are expected to number 900.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 80-30177 Filed 9-29-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTER FOR DISEASE CONTROL

Mine Health Research Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Mine Health Research Advisory Committee.

Date: October 30–31, 1980.

Place: Lakeview Inn, Route 6, Morgantown, W. Va. 26505.

Time: 9 a.m.–5:30 p.m., October 30. 8 a.m.–12:30 p.m., October 31.

Type of Meeting: Closed: 9 a.m. to 11:30 a.m. on October 30. Open 1 p.m. on October 30 through adjournment on October 31.

Contact Person: Roy M. Fleming, Sc.D., Executive Secretary, 5600 Fishers Lane, Room 8A–44, Rockville, Md. 20857, Phone: (301) 443–4614.

Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda: Beginning at 9 a.m. on October 30, the Committee will be performing the final review of the mine health research grant applications for Federal assistance. This portion of the meeting will not be open to the public in accordance with the provisions set forth in Section 552(c)(6), Title 5 U.S. Code and the Determination of the Director, Center for Disease Control, pursuant to Public Law 92–463.

Agenda items for the open portion of the meeting beginning at 1 p.m. on October 30 will include announcements, consideration of minutes of previous meeting and future meeting dates, presentations and discussions on the National Institute for Occupational Safety and Health (NIOSH) program planning process, NIOSH mine research plan and priorities, Bureau of Mines research impacting on health issues, NIOSH response to health hazard evaluation recommendations by the Committe, benzene and lead court decisions, considerations for small population studies, and reports on personal protective equipment and safety workshops.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 24, 1980.

William H. Foege, M.D.,

Director, Center for Disease Control.

[FR Doc. 80-30414 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-87-M

Food and Drug Administration

[Docket No. 76N-0052]

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter (OTC) Human Use; Decision on Dosage of Pseudoephedrine Preparations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is issuing a notice announcing the decision to reduce the dosage of pseudoephedrine preparations (pseudoephedrine hydrochloride and pseudoephedrine sulfate) in the proposed monograph for OTC oral nasal decongestants. This notice also states the agency's interim marketing policy on products containing pseudoephedrine.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 9, 1976 (41 FR 38312), the Commissioner of Food and Drugs issued the recommendations and proposed monograph of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products. These recommendations included a determination that pseudoephedrine (pseudoephedrine hydrochloride and pseudoephedrine sulfate) is generally recognized as safe and effective (Category I) for OTC use as an oral nasal decongestant. (See 41 FR 38402.) The Panel recommended an adult oral dosage of 60 milligrams (mg) every 4 hours not to exceed a maximum of 360 mg in 24 hours. This dosage schedule was included in § 341.20(g) of the proposed monograph. (See 41 FR 38420.)

On December 1, 1976, The Dow Chemical Co. submitted data to support the company's request that the Category I adult oral dosage of pseudoephedrine be reduced to 60 mg every 4 to 6 hours not to exceed a maximum of 240 mg in 24 hours (Ref. 1). The company presented data which demonstrated that the half-life of pseudoephedrine is 7 to 8 hours following a 60 mg dose and that a 6-hour dosing schedule will maintain the serum concentration of pseudoephedrine above the peak level achieved following the first single dose (Ref. 2). A study by Bye, Hughes, and Peck (Ref. 3) demonstrated a similar half-life of the 60 mg dosage. Dow Chemical Co. concluded that the data suggest that a maximum dose of 240 mg in 24 hours is a

more appropriate OTC dose than a maximum dose of 360 mg in 24 hours.

Bye, Hughes, and Peck (Ref. 3) also found that a dose of 60 mg pseudoephedrine produced a slight (but not statistically significant) rise in pulse rate which was still evident at 4.5 hours after the first dose and at 6 hours after the second dose. The second dose was given 4.5 hours after the first dose. This would suggest that if another 60 mg had been given at 4 hours after the second dose (as would occur with the Panel's proposed dosage of 60 mg every 4 hours), the pulse rate would have been still higher. This study also demonstrated that when 180 mg of pseudoephedrine in a sustained release dosage form was given twice daily for 14 days, there was a significant increase in heart rate and insomnia for the first 3 days.

Dickerson et al. (Ref. 4) found that 150 mg sustained-release pseudoephedrine taken twice daily caused a greater increase in pulse rate than 120 mg sustained-release pseudoephedrine and that only the higher dose had a significant effect on systolic pressure. Both doses, however, caused a similar incidence of insomnia.

McLaurin, Shipman, and Rosedale (Ref. 5) studied 88 subjects given a single 60-mg dose of pseudoephedrine. Blood pressure, heart rate, subjective responses, and changes in nasal airway obstruction as measured by a rhinometric technique were monitored. No significant differences in any of the measured parameters were apparent. Subjective complaints of nervousness were noted. Multiple-dose studies were not carried out.

Empey et al. (Ref. 6) gave pseudoephedrine 60 mg three times daily for 2 weeks to 40 volunteers with gross pollinosis. Subjective symptom scores were recorded. Pseudopehedrine in a dose of 180 mg daily was significantly effective in reducing symptoms, while side effects were minimal.

Benson (Ref. 7) measured the oral and nasal maximal inspiratory flow rates in eleven volunteers with intermittent nasal obstruction who were given placebo or 60 mg pseudoephedrine in single doses. The study demonstrated that a single dose of drug was followed by significant increase in nasal flow rates lasting up to 2 hours. Multiple dose studies were not done.

References

(1) Dow Chemical Co., Comment submitted on Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic proposed monograph (C–0112) is on file at the Hearing Clerk's office under docket number 76N–0052.

(2) Carski, T. R., "Three-Way Cross Over Study: Comparison of Blood Levels of Pseudoephedrine HCL Following Single Oral Doses of a 120 mg Sustained-Release Formulation with Those Following a Single Oral Dose of a 120 mg Immediate-Release Formulation and with the Levels Following Two Oral Doses of a 60 mg Immediate-Release Formulation," Summary of unpublished study is included in C–0112 cited in Reference (1) above.

(3) Bye, H. M., D. T. D. Hughes, and A. W. Peck, "Comparison of Plasma Levels of L(+) Pseudoephedrine Following Different Formulations, and Their Relation to Cardiovascular and Subjective Effects in Man," *European Journal of Clinical Pharmacology*, 8:47–53, 1975.

(4) Dickerson, J., et al., "Dose Tolerance and Pharmacokinetic Studies of L(+) Pseudoephedrine Capsules in Man," *European Journal of Clinical Pharmacology*, 14:253–259, 1978.

(5) McLaurin, J. W., W. F. Shipman, and R. Rosedale, Jr., "Oral Decongestants. A Double-Blind Comparison Study of the Effectiveness of Four Sympathomimetic Drugs: Objective and Subjective," *Laryngoscope*, 71:54–67, 1961.

(6) Empey, D. W., et al., "A Double-Blind Crossover Trial of Pseudoephedrine and Triprolidine, Alone and in Combination, for the Treatment of Allergic Rhinitis," *Annals of Allergy*, 34:41–46, 1975.

(7) Benson, M. K., "Maximal Nasal Inspiratory Flow Rate: Its Use in Assessing the Effect of Pseudoephedrine in Vasomotor Rhinitis," *European Journal of Clinical Pharmacology*, 3:182–184, 1971.

The agency concludes that the above data do not support the Panel's recommendation for a 360 mg daily dose of pseudoephedrine. In fact, the Carski study (Ref. 2) suggests that a strict 4 hour dosage of 60 mg might lead to accumulation of the drug and eventually marked side effects. The data do, however, support the 60 mg dosage. The data from the studies also suggest that a daily dosage in excess of 240 mg of pseudoephedrine may be associated with significant side effects without additional therapeutic benefit. Therefore, the agency concludes that there are sufficient data to support a 60 mg dose of pseudoephedrine every 6 hours with a maximum 24 hour dose of 240 mg. The agency also points out that the Panel recommended an oral dosage for pseudoephedrine preparations for children 6 to under 12 years of age of 30 mg every 4 hours not to exceed 180 mg in 24 hours and for children 2 to under 6 years of age of 15 mg every 4 hours not to exceed 90 mg in 24 hours. These maximum daily dosages are one-half and one-quarter of the adult maximum daily dose. Along with the reduction in the adult maximum daily dose to 240 mg, the agency is also reducing the dosages for children proportionately. The new dosage for children 6 to under 12 years of age will be 30 mg every 6 hours not to exceed 120 mg in 24 hours and for children 2 to under 6 years of age will be 15 mg every 6 hours not to exceed 60 mg in 24 hours.

The OTC drug review regulations in § 330.13 (21 CFR 330.13) state the conditions for marketing on OTC drug product containing an active ingredient at a dosage level higher than that available in an OTC drug product on December 4, 1975, which an OTC Advisory Review Panel has recommended for OTC use. These regulations allow the OTC marketing of such a product at the higher dosage level after the date of publication in the Federal Register of the Panel's report and proposed monograph, subject to the risk that the Commissioner may not accept the Panel's recommendation and may instead adopt a different position that may require relabeling, recall, or other regulatory action. The OTC marketing of products containing pseudoephedrine labeled with a 60-mg single dose or a maximum daily dose of 360 mg represents marketing of an active ingredient at a dosage level higher than that available in an OTC drug product on December 4, 1975. Under the provisions of § 330.13(b)(2), such products labeled in accord with the proposed monograph may be marketed unless the Commissioner adopts and announces a different position. In this notice, the Commissioner is announcing that he does not, at this time, accept the recommendation of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products on the dosage of drug products containing pseudoephedrine for OTC use as an oral nasal decongestant. As provided under § 330.13(b)(2), the Commissioner has concluded that OTC drug products marketed for use as an oral nasal decongestant containing pseudoephedrine at a dosage level higher than that available in an OTC drug product on December 4, 1975 are required to be labeled with the following dosage limitations:

> Adult oral dosage is 60 mg every 6 hours not to exceed 240 mg in 24 hours. For children 6 to under 12 years of age, the oral dosage is 30 mg every 6 hours not to exceed 120 mg in 24 hours. For children 2 to under 6 years of age, the oral dosage is 15 mg every 6 hours not to exceed 60 mg in 24 hours. For children under 2 years of age, there is no recommended dosage except under the advice and supervision of a physician.

Therefore, in accordance with § 330.13(b)(2), any OTC oral nasal decongestant drug product containing pseudoephedrine at a dosage level higher than that available in an OTC drug product on December 4, 1975 is required to be labeled with this new

lower dosage. To avoid disruption of the OTC cough-cold market, firms will be allowed up to 4 months, until January 30, 1981 to relabel their OTC oral nasal decongestant drug products containing pseudoephedrine. Manufacturers are encouraged, however, to implement this change in the labeling of currently marketed products containing pseudoephedrine at the earliest possible time. After January 30, 1981, no further shipments of OTC oral nasal decongestant drug products containing pseudoephedrine labeled with the former higher dosage can be initially introduction or initially delivered for introduced into interstate commerce.

The agency will include these revised dosages for pseudoephedrine preparations in the tentative final monograph on OTC nasal decongestant drug products. The agency intends to issue the tentative final monograph for OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products in segments. The first segment will be on anticholinergics and expectorants. Subsequent sections will be published on antihistamines, nasal decongestants, antitussives, bronchodilators, and combinations. A final determination of the appropriate dosage limitations for OTC pseudoephedrine preparations will be made in the final monograph for these OTC nasal decongestant drug products.

Dated: September 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-29912 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80D-0217]

General Statistical Documentation Guide for Protocol Development of NDA Submissions, Availability of Draft Guideline; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on the draft guideline entitled "General Statistical Documentation Guide for Protocol Development and NDA Submissions." This action is in response to a request by the Pharmaceutical Manufacturers Association for additional time to consider the draft guideline and prepare comments. FDA believes it is in the public interest to delay final preparation of the guideline until the Pharmaceutical Manufacturers Association's comments can be reviewed.

DATE: Written comments by December 6, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Satya D. Dubey, Bureau of Drugs (HFD-232), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4594.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 8, 1980 (45 FR 45961), FDA announced the availability of a draft guideline entitled "General Statistical Documentation Guide for Protocol Development and NDA Submission," prepared by FDA's Bureau of Drugs, which sets forth the type of material needed to permit statistical review of protocols and completed clinical studies by the agency. Interested persons were given until October 6, 1980, to submit written comments on the guideline. In response to a request from the Pharmaceutical Manufacturers Association, FDA is extending the comment period for all interested persons until December 6, 1980.

Interested persons may, on or before December 6, 1980, submit written comments on the draft guideline to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Those comments will be considered in determining whether further amendments to or revisions of the guideline are warranted. Comments should be in four copies (except that individuals may submit single copies), identified with the Hearing Clerk docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-30207 Filed 9-26-80; 9:55 am]

BILLING CODE 4110-03-M

Public Health Service

Privacy Act of 1974; New System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Waiver of advance notice period for a new system of records.

SUMMARY: FR Doc. 80-26614, appearing at page 58209 in the issue for Tuesday, September 2, 1980, provided notification of a new system of records proposed by the Health Resources Administration. That system is 09-35-0045, "Nurse Practitioner Traineeships," HHS/HRA/BHPr. The document stated that the Public Health Service (PHS) had requested that the Office of Management and Budget (OMB) grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and Congress.

OMB granted the requested waiver on September 12, 1980. Accordingly, system of records number 09-35-0045 became effective upon the date of the waiver. However, PHS will not disclose information from this system pursuant to a routine use until after the period for public comment on proposed routine uses elapses on October 2, 1980.

Dated: September 23, 1980.

Jack N. Markowitz,

Acting Director, Office of Management.

[FR Doc. 30-199 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-80-1028]

Community Development Block Grant Program for Indian Tribes and Alaskan Natives

AGENCY: Housing and Urban Development/Office of the Assistant Secretary for Community Planning and Development.

ACTION: Notice.

SUMMARY: This notice sets the deadline for filing pre-applications for Community Development Block Grant Funds for Indian Tribes and Alaskan Natives for Fiscal Year 1981. Pre-applications are required in order to provide HUD with sufficient information to determine which applicants will be invited to submit full application and to save applicants the cost of preparing full applications which have no chance of being funded.

SUPPLEMENTARY INFORMATION: This notice sets the deadline for submitting pre-applications as provided in 24 CFR 571.301 published by final rule on December 15, 1978 (43 FR 58734). That rule established Part 571 as a separate part applying the Community Development Block Grant Program to

Indian Tribes and Alaskan Natives. These dates apply only to pre-applications submitted by Indian Tribes and Alaskan Natives for Fiscal Year 1981.

Due to the Indian field re-organization, which will become effective October 1, 1980, only Regions V, VI, VIII, IX, and X will be responsibile for handling this program. Thus, pre-application submission dates for these regions are the only ones to appear below.

Final Dates for Submission

Region	No earlier than—	No later than—
Region V	Apr. 13	Apr. 27, 1981.
Region VI	Jan. 2	Jan. 12, 1981
Region VIII	Nov. 3	Nov. 17, 1980.
Region IX	Oct. 1	Oct. 15, 1980.
Region X	Feb. 16	Mar. 2, 1981.
Alaska	Nov. 3	Nov. 17, 1980

Pre-applications which are submitted after the deadline will not be considered.

FOR FURTHER INFORMATION CONTACT:

Marcia A. B. Brown, Assistant to the Director for Indian Community Development Programs, Office of Policy Planning, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone (202) 755–6092 (This is not a toll free number).

(Sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))

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

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 30185 Filed 9–29–80; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before September 19, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by October 15, 1980.

Carol Shull,

Acting Chief, Registration Branch.

ALASKA

Fairbanks Division

Fairbanks vicinity, *Chena Pumphouse.*

CALIFORNIA

San Mateo County

Pescadero vicinity, *Dickerman Barn,* S of Pescadero.

GEORGIA

MARSHAVILLE AND VICINITY MULTIPLE RESOURCE AREA (Partial Inventory). This area includes: Macon County, Marshallville, *East Main Street Residential District,* E. Main St.; *Marshallville Commercial District,* Main St.; *West Main Street Residential District,* W. Main St.; *Felton, William Hamilton, House,* McCaskill St.; *Lamson-Richardson School,* GA 49; Marshallville vicinity, *Alma Fruit Farm,* GA 49W; *Billy Place,* 430 W. Church St.; *Knob, Wilkes, Plantation;* Massee Lane; *Peach Packing Crate Model,* SR 1; *Thronateeska; Willow Lake,* SR 1; Peach County, Fort Valley vicinity, *Strother's Farm.*

Heard County

Corinth vicinity, *Ware, John M., Sr., House,* NW of Corinth.

INDIANA

Bartholomew County

Columbus vicinity, *Marr, James, House and Farm,* NE of Columbus on Marr Rd.

MAINE

Cumberland County

North Bridgton, *Farnsworth House,* SR 17.

MARYLAND

Frederick County

New Market vicinity, *Nelson, Henry, House,* N of New Market.

Harford County

Creswell vicinity, *Fair Meadows,* S of Creswell on Creswell Rd.

MINNESOTA

Hennepin County

Excelsior, *Excelsior Public School,* 261 School Ave.

Ramsey County

St. Paul, *Triune Masonic Temple,* 1898 Iglehart Ave.

MISSOURI

Daviess County

Gallatin, *Daviess County Courthouse,* Public Sq.

Greene County

Republic, *Anderson, Elijah Teague, House,* 406 N. Pine St.

Springfield, *Bentley House,* 603 E. Calhoun St.

Springfield, *Commercial Street Historic District,* Commercial St.

Springfield, *Old Calaboose,* 409 W. McDaniel St.

Jackson County

Kansas City, *Benton, Thomas Hart, House and Studio,* 3616 Belleview St.

Kansas City, *Kansas City Masonic Temple,* 903 Harrison St.

Kansas City, *Long, R. A., House (Corinthian Hall)* 3218 Gladstone Blvd.

Lafayette County

Lexington, *Wentworth Military Academy,* Washington Ave. and 18th St.

Montgomery County

High Hill, *High Hill School,* Off U.S. 40

Nodaway County

Maryville, *Burns, Caleb, House,* 422 W. 2nd St.

Osage County

Bonnot's Mill, *Dauphine Hotel,* Off MO A.

Perry County

Perryville, *Doerr-Brown House,* 17 E. St. Joseph St.

Pulaski County

Waynesville, *Old Stagecoach Stop,* Linn St.

Ralls County

Rensselaer vicinity, *St. Peter's Catholic Church,* SW of Rensselaer on SR 2.

Ray County

Richmond vicinity, *New Hope Primitive Baptist Church,* SW of Richmond on Old Orrick Rd.

St. Charles County

St. Charles, *African Church,* 554 Madison St.

St. Charles, *Old City Hall,* 101 S. Main St.

St. Louis (independent city)

SOCIAL INSTITUTIONS OF THE VILLE MULTIPLE RESOURCE AREA (Partial Inventory). This area includes: *Antioch Baptist Church,* 2401 Goode Ave.;

Malone, Annie, Children's Home, 2612 Goode Ave.,

Phillips, Homer G., Hospital, 2615 N. Whittier St.;

Sumner High School, 4248 W. Cottage Ave.

West Cabanne Place Historic District, W. Cabanne Pl.

Shannon County

Eminence vicinity, *Rhinehart Ranch,* NW of Eminence.

Stone County

Galena, *Stone County Courthouse,* Public Sq.

MONTANA

Ravalli County

Corvallis, *Brooks Hotel.*

NEW HAMPSHIRE

Belknap County

Sanbornton and vicinity, *Sanbornton Square Historic District,* Sanbornton Sq.

Rockingham County

Rye, *Parsons Homestead,* 520 Washington Rd.

NEW JERSEY

Hunterdon County

High Bridge, *High Bridge Reformed Church,* Church St. and SR 513.

NEW MEXICO

Valencia County

Belen, *Belen Hotel,* 200 Becker Ave.

NORTH CAROLINA

Clay County

Hayesville and vicinity, *Spikebuck Town Mound and Village Site.*

Macon County

Franklin, *Nequasee (Nikwasi).*

OHIO

Hamilton County

Cincinnati, *Springer, Reuben R., Building,* 213–215 W. 9th St.

Meigs County

Pomeroy, *Pomeroy Historic District,* 2nd and Main Sts. (boundary increase).

PUERTO RICO

Ponce, *Castillo de Serralles,* Cerro El Vigia.

SOUTH CAROLINA

Colleton County

Walterboro, *Walterboro Historic District,* Roughly bounded by Jeffries Blvd., Sanders, Blacks, Church, Valley and Lemacks Sts.

TEXAS

Austin County

Bellville, *Austin County Jail,* 36 S. Bell St.

TRUST TERRITORY OF THE PACIFIC ISLANDS

CHALAN KANOA JAPANESE STRUCTURES THEMATIC RESOURCES. Reference—see individual listings under Mariana Islands District.

Mariana Islands District

Chalan Kanoa, *Borja House (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Chalan Kanoa Historic District (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Japanese Administration Building (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Japanese Concrete House (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Japanese Concrete Shelter (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Japanese Exterior Toilets (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Japanese Field Storage Building (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Japanese Quadplex Structure (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Nanyo Kohatsu Kabushiki Kaisha Sugar Mill Granary (Chalan Kanoa Japanese Structures Thematic Resources).*
Chalan Kanoa, *Shinto Shrine (Chalan Kanoa Japanese Structures Thematic Resources).*
North Tinian, *North Field Atomic Bomb Loading Pits,* North Field.
Rota, *Japanese Hospital,* West side of Sasanhaya Bay.
Rota, *Nanyo Kohatsu Kabushiki Kaisha Sugar Mill.*
Rota vicinity, *Commissioner's Office.*
Rota vicinity, *Rectory.*
Saipan, *Bapot Sites 1, 2 and 3,* Bapot Beach.
Saipan, *Isley Field Historic District,* Aslito-Saipan International Airport.
Saipan, *Laulau Site and Laulau Rock Shelter Unai Laulau.*
Saipan, *Nanyo Kohatsu Kabushiki Kaisha Historic District (Chalan Kanoa Historic District).*
Tinian, *Japanese Structure.*
Tinian, *Nanyo Kohatsu Kabushiki Kaisha Administration Building.*
Tinian, *Nanyo Kohatsu Kabushiki Kaisha Ice Storage Building.*
Tinian, *Nanyo Kohatsu Kabushiki Kaisha Laboratory.*

WYOMING

Albany County

Laramie, *Blair, Charles E., House, 170 N. 5th St.*

Converse County

Douglas, *Christ Episcopal Church and Rectory, 4th and Center Sts.*

Laramie County

Cheyenne, *Capitol North Historic District,* Roughly bounded E. 29th and E. 25th St., Warren and Pioneer Aves.

Sheridan County

Big Horn, *Odd Fellows Hall,* Johnson St.

Uinta County

Evanston, *St. Paul's Episcopal Church,* 10th and Sage Sts.

Weston County

Newcastle vicinity, *Cambria Casino,* N of Newcastle.

[FR Doc. 80-29749 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

[Colorado 10246 WR]

Colorado; Recreation and Public Purposes Classification: Revocation

September 19, 1980.

Effective May 12, 1970, the following public lands were classified for disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–A) under serial number Colorado 10246.

Sixth Principal Meridian

T. 14 S., R. 95 W.
Sec. 3: E½SW¼SW¼SE¼, W½SE¼ SW¼SE¼;containing 10 acres.

This classification segregated the lands from all forms of appropriation under the public land laws, except the R&PP Act, and from location and entry under the general mining laws, but not from leasing under the mineral leasing laws.

The classification has been reviewed under Section 204(1), Federal Land Policy and Management Act of 1976 (90 Stat. 2754). The lands were leased to Delta County for use as a solid waste disposal site, effective August 1, 1970. The lease was terminated, effective November 17, 1976. There are no plans for further use of the lands under the R&PP Act, and they have been determined suitable for return to unreserved public lands status; consequently, the classification is hereby revoked.

At 7:45 a.m. on October 31, 1980, the lands will be open to operation of the public land laws including the general mining laws, subject to valid existing rights and the requirements of applicable law. Inquiries concerning the lands may be addressed to the Bureau of Land Management, Colorado State Bank Bldg., 1600 Broadway, Room 700, Denver, Colorado 80202.

Harold R. Martin,

Acting State Director.

[FR Doc. 80-30181 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

Medford District Office, Oregon, Designation of Public Lands for Off-Road Vehicle Use

The following closed, limited, and open designation of public lands for off-road vehicle use are the result of decisions made in the Jackson-Klamath Sustained Yield Units Management Framework Plan and received full public review during a formal comment period.

ORV Use Designations

Notice is hereby given that use of off-road motorized vehicles (ORV's) on certain public lands in Jackson and Klamath Counties, Oregon, is permanently allowed, prohibited, or limited as listed below. These designations are in accordance with 43 CFR Part 8340. These designations do not apply to non-amphibious registered motorboats, any military, fire, emergency, or law enforcement vehicle while being used for emergency, purposes; any vehicle whose use is expressly authorized by the Authorized Officer, or otherwise officially approved;

vehicles in official national defense emergencies.

Closed Areas

The areas permanently closed to ORV use include:

1. Surveyor Forest Research Natural Area, located approximately forty (40) air miles southeast of Medford, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 38 S., R. 5 E.,
Sec. 21, N½SE¼NE¼, SW¼SE¼NE¼, SW¼NE¼, NE¼SE¼NW¼, NW¼SE¼, NW¼NE¼SE¼, S½NE¼SE¼. Total Acres 150.

This area is closed to ORV use to prevent damage to an area having significant research values.

2. Lost Lake Research Natural Area, located approximately fifteen (15) air miles east of Medford, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 37 S., R. 2 E.,
Sec. 35, W½NE¼, NW¼NE¼SW¼, E½ NW¼SW¼,NE¼SE¼SW¼, SW¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼, NW¼SE¼SE¼. Total acres 390.

This area is closed to ORV use to prevent damage to an area having significant research values.

3. Certain public lands near the north shore of Lost Creek Reservoir, located approximately twenty-eight (28) air miles northeast of Medford, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 33 S., R. 1 E.,
Sec. 11, NE¼, NW¼, N½N½SW¼, SW¼NE¼SW¼, W½SW¼SW¼, E½E½SE¼;
Sec. 12, E½, E½W½;
Sec. 13, E½NE¼, NW¼NE¼;
Sec. 15, All;
Sec.22, S½SW¼;
Sec. 27, NW¼NE¼, NW¼, N½NE¼SW¼, W½SW½; and
T. 33 S., R. 2 E.,
Sec.8, SE¼;
Sec. 9, SW¼SW¼;
Sec. 17, N½NE¼, NE¼NW¼;
Sec. 18, N½NW¼. Total acres 2,450.

These lands are closed to prevent damage to the vegetation, watersheds, and the extremely fragile soils, and also to prevent degradation of the water quality in Lost Creek Reservoir due to erosion.

4. The trails and all public lands within 100 feet on either side of the system comprised of the Sterling Mine Ditch Trail, Bear Gulch Trail, Tunnel Ridge Trail, and the Wolf Gap Trail, located approximately twelve (12) air miles south of Medford, Oregon. These trails are located in portions of the following section as shown on a map available at the Medford District, Bureau of land Management office:

Willamette Meridian

T. 39 S., R. 2 W.,
Sec. 15;
Sec. 22;
Sec. 23; approximately 7 miles.

These trails are closed to ORV use as a safety measure to non-motorized users and to prevent damage to the trail environment.

5. Table Mountain Snowplay Area, located approximately twenty-two (22) air miles southeast of Medford, Oregon. This area is located in a portion of the following section as shown on a map available at the Medford District, Bureau of Land Management office:

Willamette Meridian

T. 39 S., R. 3 E.,
Sec.9, within the NW¼NE¼. Approximate Total Acres 5.

Limited Areas

The area listed below is permanently closed to all ORV use from December 1 through March 31.

1. Cross Country Ski Trails, located approximately twenty (20) air miles southeast of Medford, Oregon. These trails are located in portions of the following sections as shown on a map available at the Medford District, Bureau of Land Management Office:

Willamette Meridian

T. 38 S., R. 3 E.,
Sec. 19;
Sec. 20;
Sec. 29;
Sec. 32; and
T. 39 S., R. 3 E.,
Sec. 8;
Sec. 9;
Sec. 16;
Sec. 17; approximately 24 miles.

These trails are closed to ORV use to promote user safety and to minimize potential conflicts among competing users.

Open Areas

The public lands in the Rogue, Butte Falls, and Klamath Resource Areas that are not listed in the Closed or Limited Areas are designated as open to ORV use. The approximate total number of acres designated as open is 485,084.

All lands designated as closed, limited, or open are depicted on the ORV designation map which is available from the Medford District Office, Bureau of land Management, 3040 Biddle Road, Medford, Oregon 97501.

All designations are effective immediately and will remain in effect until revised, revoked, or amended by the Authorized Office pursuant to 43 CFR Part 8340.

Dated: September 19, 1980

George C. Francis,

District Manager.

[FR Doc. 80-30182 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[Int FEIS 80-49]

California Desert Conservation Area Final Environmental Impact Statement and Proposed Plan

AGENCY: Bureau of Land Management (BLM), Department of the Interior.

ACTION: Notice of availability of the final environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared an FEIS for the proposed California Desert Plan.

SUPPLEMENTARY INFORMATION: The Proposed Action is a long-range, comprehensive plan to manage the public land uses and resources of the 25-million-acre California Desert Conservation Area (CDCA). The action responds to the mandate of Section 601 of the Federal Land Policy and Management Act of 1976 to create a plan for the CDCA based on the principles of multiple-use, sustained yield, and maintenance of environmental quality. The action is accomplished primarily by means of four multiple-use classes which control and direct uses and support resources on a desertwide basis. Alternatives to the Proposed Plan are:

A No Action Alternative, which describes management of the CDCA in the absence of a long-range comprehensive plan.

A Protection Alternative, in which the maintenance of environmental quality is given maximum management emphasis.

A Balanced Alternative, which represents a balancing of conflict and tradeoffs between uses, without a predetermined management philosophy.

A Use Alternative, which often favors consumptive uses and production of goods in tradeoff decisions.

DOCUMENT AVAILABILITY: Copies of the Final Environmental Impact Statement and Proposed Plan (FEIS/Proposed Plan) will be available for public review at the following locations:

At all Bureau of Land Management Offices in California.

At all Federal Government Depository Libraries in California.

Copies of the FEIS/Proposed Plan may be obtained by writing:

California Desert Plan, Bureau of Land Management, Box 5555, Riverside, California 92517.

or by telephoning BLM's California Desert District at (714) 787–1462.

DATES: Comments will be accepted if postmarked by November 3, 1980.

ADDRESS: Comments should be mailed to: Bureau of Land Management, Box 5555, Riverside, California 92517.

PUBLIC MEETINGS: Interested persons are urged to obtain a copy of the FEIS/Proposed Plan prior to the meetings. Informational briefings will be presented by BLM staff at 3 p.m. and approximately 6 p.m. at each meeting. The meetings will be held to receive public comment on the FEIS/Proposed Plan. The public meetings will be held at the following locations on the dates indicated from 3 p.m. to 8 p.m.:

Oakland—Tuesday, October 14

Kaiser Center Auditorium, 300 Lakeside Drive.

Sacramento—Wednesday, October 15

State Resources Building Auditorium, 1416 9th Street.

Los Angeles—Wednesday, October 15

Board of Supervisors Hearing Room, 500 West Temple.

San Diego—Thursday, October 16

San Diego Veterans Memorial Building, Park Blvd. and Zoo Drive, Balboa Park.

Bishop—Thursday, October 16

Bishop City Council Chambers, 377 West Line Street.

Ridgecrest—Friday, October 17

Burroughs High School, Multi-Use Room, Burroughs Access Road.

El Centro—Friday, October 17

Imperial Irrigation District Auditorium.

San Bernardino—Monday, October 20

San Bernardino Convention Center, 303 North E. Street.

Blythe—Monday, October 20

Blythe City Council Chambers, 220 North Spring Street.

Palm Springs—Tuesday, October 21

Ramada International Hotel, 1800 East Palm Canyon Drive.

Needles—Tuesday, October 21

Needles City Council Chambers, 1111 Bailey.

Barstow—Wednesday, October 22

Barstow City Council Chambers, 220 East Mountain View.

FOR FURTHER INFORMATION CONTACT:

James B. Ruch, California State Director, Bureau of Land Management, Box 5555, Riverside, California 92517.

Dated: September 23, 1980.

Ronald D. Hofman,

Associate State Director.

[FR Doc. 80-30062 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 80-39]

Kanab/Escalante Rangeland Management Program, Kanab/Escalante Area, Utah; Availability of Final Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and a 1975 Federal Court order, the Bureau of Land Management has prepared a final environmental impact statement for the proposed Kanab/Escalante rangeland management programs in parts of Kane, Garfield, and Washington Counties in Utah, and Coconino County in Arizona.

There are six alternative proposals: (1) Continuation of Present Management, (2) Elimination of Livestock Grazing, (3) Multiple Resource Enhancement, (4) Adjustment to Grazing Capacity, (5) Rangeland Management Recommendation, and (6) Livestock Optimization. The objective of the alternatives is to provide land use management on the basis of multiple use and long-term sustained yield of the natural resources on 2,567,466 acres of public land.

Alternative 5 (Rangeland Management Recommendation) is the BLM preferred alternative. Under this alternative the initial allocation of forage would be 68,298 AUMs for livestock and 69,253 AUMs for wildlife and other resources. The adjustment in grazing use for livestock would be less than a 1-percent reduction from past grazing use. Under this alternative the production of desirable vegetation would increase, overall watershed conditions would improve, and wildlife habitat would improve. After 24 years the potential grazing capacity under this alternative would be 91,444 AUMs for livestock and 71,627 AUMs for wildlife and other resources. Critical erosion condition would improve on about 105,000 acres.

A limited number of copies are available upon request to the District Manager at the following address. District Manager, Bureau of Land Management, P.O. Box 724, Cedar City, Utah 84720.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets NW., Washington, D.C. 20240, Telephone: (202) 343–5717.

Cedar City District Office, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, Telephone: (801) 586–2401.

Escalante Resource Area Office, Bureau of Land Management, Escalante, Utah 84726, Telephone: (801) 826–4291.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, Telephone: (801) 524–4228.

Kanab Resource Area Office, Bureau of Land Management, 320 North First East, Kanab, Utah 84741, Telephone: (801) 644–2672.

Dixie Resource Area Office, Bureau of Land Management, 24 East St. George Blvd., St. George, Utah 84700, Telephone: (801) 673–4654.

Dated: September 22, 1980.

Gary J. Wicks,

State Director.

[FR Doc. 80-30082 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. W-23929]

Availability for Public Review of a Draft Environmental Impact Statement on the Proposed Rojo Caballos Mine (Campbell County, Wyo.)

AGENCY: Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

ACTION: Availability of draft environmental impact statement (EIS) on Mobil Oil Corporation's proposed Rojo Caballos Mine.

SUMMARY: Pursuant to § 1506.6 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM), Region V has prepared a draft environmental impact statement (EIS) on the proposed Rojo Caballos Mine. The EIS has been written to assist the Department in making a decision on Mobil Oil Corporation's application to surface mine about 317 million tons of coal over a period of 24 years. The proposed site is 17 miles southeast of the City of Gillette and the mine plan area would encompass 5,815 acres.

The EIS evaluates five alternative actions the Department could take on the mining and reclamation plan which has been submitted to OSM. Those alternatives are:

1. Approval with the stipulations required by State and Federal law and with a stipulation which would lessen the socioeconomic impacts.

2. Approval with the stipulations required by State and Federal law.

3. Defer action.

4. Disapproval.
5. No action.

OSM has identified the first alternative as the currently preferred alternative. OSM, the lead agency, with assistance from the U.S. Geological Survey, has analyzed the impacts of this alternative as well as the other alternatives. Public comments are sought on the analysis in the EIS. All comments should be received by the Regional Office no later than November 19, 1980.

A public hearing will be held November 5, 1980 at the Campbell County Recreation Center, Room C, in Gillette, Wyoming. The hearing will be held in two sessions, 1:00–4:00 p.m. and 7:00–9:00 p.m. All interested parties are invited to attend this hearing.

All substantive comments will be considered in preparing the final EIS and in the Region's final recommendation for action on the subject mining and reclamation plan. A Notice of Availability of the final EIS will be pubished in the **Federal Register.**

Comments should be addressed, no later than November 19, 1980, to: Robert Schueneman, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Copies of the draft EIS may be obtained from OSM at the same address. Copies are also available for review at the Campbell County Recreation Center and Campbell County Courthouse, Gillette, Wyoming and at the State of Wyoming, Department of Environmental Quality, 401 West 19th Street, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT:
Robert Schueneman or Florence Munter-Schaller, Office of Surface Mining, Brooks Towers, 1020 15th, St., Denver, Colorado 80202.

Joan M. Davenport,
Assistant Secretary for Energy and Minerals.

[FR Doc. 80-30049 Filed 9-29-80; 8:45 am]
BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 343]

Motor Carriers; Permanent Authority Decisions

Decided: September 22, 1980.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247 (l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business indentical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall prompty request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdiction problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public covenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later

becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 114273 (Sub-750F) (correction), filed June 12, 1980, published in the **Federal Register**, issue of August 7, 1980, and republished, as corrected, this issue. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, and DC, to the facilities of Venture Stores at points in IL, IN, IA, KS, and MO.

Note.—The purpose of this republication is to correct the territorial description.

[FR Doc. 80-29838 Filed 9-29-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-053]

Motor Carriers; Permanent Authority Decisions

Decided: September 19, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 CFR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able 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 noted, this decision is neither a major Federal action significantly affecting the quality of the human environmental nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in oppostion.

To the extent that any of the authority granted may duplicate an applicant's other industry, the duplication shall be construed as conferring only a single opearating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 135283 (Sub-66F), filed September 15, 1980. Applicant: GRAND ISLAND MOVING AND STORAGE CO., INC., P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

MC 141523 (Sub-2F), filed September 12, 1980. Applicant: C. R. KIDD PRODUCE, INC., P.O. Box 364, Springdale, AR 72764. Representative: Connie Ray Kidd (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), between New Lisbon, Spiceland, Mays, and Sexton, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to subsitute motor carrier service for abandoned rail carrier service.

MC 151833F, filed September 12, 1980. Applicant: EARL COX, d.b.a. EARL COX TRUCKING, 6721 Peter Rabbit Dr., Jacksonville, FL 32210. Representative: Earl Cox (same address as applicant). Transporting *food and other edible products* (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, *agricultural limestone and other soil conditioners, and agricultural fertilizers*, if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 149472F, filed September 4, 1980. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

[FR Doc. 80-29839 Filed 9-25-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained

from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able 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 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 the absence of legally sufficient protests in the form of verified statements filed on or before November 14, 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 notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–051

Decided: September 19, 1980.

By the Commission Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 107012 (Sub-572F), filed September 11, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN. 46801. Representative: David D. Bishop (same address as applicant). Transporting *disposable diapers,* from Maryville, MO, to points in the U.S. (except AK and HI).

MC 107012 (Sub-573F), filed September 12, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *positive pressure chimney systems,* and (2) *fittings and accessories* for the commodities in (1) above, from the facilities of Metalbestos Systems, at Nampa, ID, to points in the U.S. (except AK and HI).

MC 113362 (Sub-402F), filed September 9, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Transporting (1) *petroleum and petroleum products, coal tar products, vehicle body sealer, sound deadner, caulking, glazing, and cleaning compounds,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except in bulk), between Olathe and Wichita, KS, Omaha, NE, and Spencer, IA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 114273 (Sub-760F), filed September 9, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *general commodities,* (except household goods as defined by the Commission and classes A and B explosives), between points in MI and OH, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, and DC.

MC 114273 (Sub-768F), filed September 10, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between those points in the U.S., in and east of ND, SD, NE, CO, OK, and TX (except AL, FL, GA, LA, and MS).

MC 116113 (Sub-18F), filed September 9, 1980. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington, DC 20001. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. Transporting *general commodities,* moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8) of the Interstate Commerce Act, between points in DE, MD, NJ, VA, DC, and those in Philadelphia, Delaware, Montgomery, and Buck Counties, PA, restricted against articles weighing in the aggregate more than 100 pounds, moving in shipments weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location in any one day. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 119493 (Sub-388F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *pulp, paper, and allied products,* as described in Item 26 of the Standard Transportation Commodity Code Tariff, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in AR, AZ, CA, GA, IL, LA, MI, MO, NV, NC, OH, and TX, on the one hand, and, on the other, points in the U.S.

MC 119493 (Sub-391F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between points in IN and MO, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, PA, and VA.

MC 119493 (Sub-392F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *iron and steel articles,* and (2) *materials and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in AL, AR, GA, IA, IN, KY, KS, LA, MI, MO, NE, OH, OK, PA, and TN.

MC 119493 (Sub-393F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *household equipment, sporting equipment, and recreational equipment,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1)

above (except commodities in bulk), between points in OH, OK, and CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119493 (Sub-394F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *flour*, and (2) *materials and supplies* used in the manufacture and distribution of flour (except commodities in bulk), between points in KS, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 119493 (Sub-395F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *construction materials*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119493 (Sub-398F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *iron and steel articles and plastic articles*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119522 (Sub-50F), filed September 9, 1980. Applicant: McLAIN TRUCKING, INC., 2425 Walton St., P.O. Box 2159, Anderson, IN 46011. Representative: John B. Leatherman, Jr., (same address as applicant). Transporting *metal closures* and *materials and supplies* used in the manufacture and distribution of metal containers, between St. Louis, MO, Hooperston, IL and Austin, IN.

MC 124472 (Sub-5F), filed September 11, 1980. Applicant: HARDING TRANSPORTATION, INC., 6875 East Evans Ave., Denver, CO 80222. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *"glass and glass products* and (2) *materials and supplies* used in the manufacture and installation of glass and glass products, between points in the U.S., under continuing contract(s) with Harding Glass Industries, of Kansas City, MO.

MC 134783 (Sub-69F), filed September 9, 1980. Applicant: DIRECT SERVICE, INC., 940 East 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of (a) personal care items, (b) cleaning compounds and deodorizers, (c) drugs, and (d) store displays, (except commodities in bulk), (I) from Berkeley, RI, New York, NY, and the facilities of Noxell Corporation, at or near Cockeysville, MD, to points in AR, AZ, CA, CO, FL, GA, ID, IL, KS, MN, MT, ND, NE, NM, NV, OK, OR, SD, TN, TX, UT, WA and WY, and (II) between New York, NY, Berkeley, RI, and the facilities of Noxell Corporation, at or near Cockeysville, MD; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from points in the U.S. (except AK and HI), to Berkeley, RI, New York, NY, and the facilities of Noxell, at or near Cockeysville, MD.

MC 135803 (Sub-24F), filed September 11, 1980. Applicant: WALLACE TRANSPORT, 9290 Hwy. 140 (P.O. Box 67), Planada, CA 95365. Representative: Donald M. Fennel (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in NV and CA.

MC 144122 (Sub-76F), filed September 8, 1980. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in TX, IN, OH, PA, NJ, NY, CA, and IL, on the one hand, and, on the other, points in the U.S.

MC 145733 (Sub-3F), filed September 10, 1980. Applicant: AMERICAN AUTO SHIPPERS, INC., 450 7th Ave., Suite 300, New York, NY 10001. Representative: C. Jack Pearce, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Transporting (1) *new motor vehicles*, in secondary movements, in driveaway service, between points in the U.S. (except Sturgis, NM, Tulare, CA, and Sherman, TX); and (2) *used motor vehicles*, in secondary movements, in driveaway service, between points in the U.S.

MC 145792 (Sub-2F), filed September 10, 1980. Applicant: REO MOVERS & VAN LINES, INC., 7000 S. Chicago Ave., Chicago, IL 60637. Representative: Walter L. Weart, 548 Anita St., Des Plaines, IL 60016. Transporting (I)(1)(a) *pulp, paper, or allied products*, (b) *rubber or miscellaneous plastics products*, (c) *fabricated metal products* (except ordnance), (d) *waste or scrap materials not identified by producing industry*, as described in Items 26, 30, 34, and 40, respectively of the Standard Transportation Commodity Code Tariff, and (e) *petroleum and petroleum products*, and (2) *materials, equipment and supplies* used in the Manufacture and distribution of the commodities in (I)(1) above, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; and (II)(1)(a) *farm products* and (b) *food or kindred products*, as described in Items 01 and 20 of the Standard Transportation Commodity Code Tariff, respectively, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (II)(1) above, between points in Cook County, IL, on the one hand, and, on the other, points in IN, KY, and OH.

MC 146402 (Sub-25F), filed September 9, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant). Transporting (1) *fabricated metal products* (except ordnance), *machinery*, (except electrical) and *electrical machinery, equipment*, or *supplies* as described in Items 34, 35 and 36, respectively of the Standard Transportation Commodity Code Tariff and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Effingham County, IL and Middlesex County, NJ, on the one hand, and on the other, points in the U.S.

MC 148183 (Sub-30F), filed September 9, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348, Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *meats, meat products, and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from points in the U.S. (except AK and HI), to Jarratt, VA.

MC 150082 (Sub-1F), filed September 12, 1980. Applicant: JOHNSON TRANSFER & FUEL COMPANY, a corporation, 401 S. Center St., Bloomington, IL 61701. Representative: Robert T. Lawley, 300 Reisch Bldg.,

Springfield, IL 62701. Transporting *such commodities* as are dealt in by discount stores, between points in the U.S., under continuing contract(s) with Lowell Supply Company of Bloomington, IL.

MC 151822F, filed September 9, 1980. Applicant: FREIGHT DIRECT, INC., P.O. Box 10707, Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *office supplies*, from Atlanta, GA, to points in the U.S. (except AK and HI).

MC 151832F, filed September 12, 1980. Applicant: RODGERS CONSTRUCTION, INC., OF NASHVILLE, TN, P.O. Box 17387, Nashville, TN 37217. Representative: Joe B. Enloe, 155 Park South Court, Nashville, TN 37210. Transporting *machinery (except electrical)* as described in Item 35 of the Standard Transportation Commodity Code Tariff.

MC 144503 (Sub-30F), filed September 10, 1980. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *chemicals and cleaning and sanitation materials, equipment, and supplies* (except commodities in bulk), between the facilities of Zep Manufacturing Co., at Atlanta and Smyrna, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

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Decided: September 17, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 15975 (Sub-32F), filed September 8, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers and packaging products, (except commodities in bulk and those requiring special equipment), between points in the U.S., restricted to traffic originating at or destined to the facilities of Weyerhaeuser Company.

MC 15975 (Sub-33F), filed September 8, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting *cleaning products, bleach, fabric softeners*, and *swimming pool chemicals*, between points in the U.S., restricted to traffic originating at or destined to the facilities of the Purex Corporation.

MC 29934 (Sub-26F), filed September 3, 1980. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409; Fairfield, NJ 07006. Transporting (1) *alcoholic beverages*, and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of alcoholic beverages, between points in Monmouth County, NJ, on the one hand, and, on the other, points in CT, MS, RI, NY, PA, DE, MD, VA, and DC.

MC 29934 (Sub-27F), filed September 5, 1980. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409; Fairfield, NJ 07006. Transporting (1) *pet foods*, and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of pet foods, between points in NJ, on the one hand, and, on the other, points in NY, DE, MD, PA, VA, MA, CT, RI, and DC.

MC 30605 (Sub-169F), filed September 2, 1980. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 E. Waterman, Wichita, KS 67202. Representative: Kenneth A. Willhite (same address as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), Serving the facilities of Eastman Kodak Company at Windsor, CO, as an off-route point in connection with carrier's presently authorized regular-route operations at Denver, CO.

MC 52704 (Sub-285F), filed September 3, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *malt beverages* and (2) *malt beverage containers*, between Detroit, MI, and points in Wood County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 57315 (Sub-28F), filed September 5, 1980. Applicant: TRI-STATE TRANSPORT, INC., 140 Wales Ave., Avon, MA 02322. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), between points in CT and MA, on the one hand, and, on the other, points in CT, ME, MA, NH, NY, NJ, RI, and VT.

MC 65475 (Sub-40F), filed September 8, 1980. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting (1) *iron and steel articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Perth Amboy, NJ, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 30844 (Sub-697F), filed September 2, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 59704. Transporting *confectionery* (except in bulk, in tank vehicles), from Chicago, IL, to those points in the U.S. in and west of ND, SD, NE, CO, OK, and TX.

MC 95084 (Sub-166F), filed September 4, 1980. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting *such commodities* as are dealt in or used by agricultural and industrial equipment dealers and manufacturers (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Gehl Company and its dealers.

MC 106674 (Sub-500F), filed September 3, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *paper and paper products*, (2) *plastic and plastic articles*, (3) *woodpulp*, and (4) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3) above (except commodities in bulk), between the facilities of International Paper Company in the U.S., on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to the named facilities.

MC 106674 (Sub-501F), filed September 2, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *plastic molding compounds*, and (2) *materials, equipment, and supplies* used in the manufacture of plastic molding compounds, between points in Tippecanoe and White Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 107744 (Sub-5F), filed September 2, 1980. Applicant: B & G TRUCKING,

INC., 10907 Painter Ave., Santa Fe Springs, CA 90670. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting (1) *forest products,* as described in Item 8 of the Standard Transportation Commodity Code Tariff (STCCT), (2) *lumber or wood products,* except furniture, as described in Item 24 of STCCT, (3) *rubber or miscellaneous plastics products,* as described in Item 30 of STCCT, (4) *clay, concrete, glass or stone products,* as described in Item 32 of STCCT, (5) *primary metal products,* including galvanized, as described in Item 33 of STCCT, (6) *fabricated metal products,* except ordnance, as described in Item 34 of STCCT, (7) *machinery and supplies,* as described in Item 35 of STCCT, (8) *electrical machinery or equipment,* as described in Item 36 of STCCT, and (9) *materials, equipment and supplies* used in the manufacture, sale, installation, and distribution of the commodities named in (1) through (8), between points in CA, AZ, and NV.

MC 114045 (Sub-570F), filed September 2, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Daniel McNeff (same address as applicant). Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in the U.S.

MC 114194 (Sub-219F), filed September 3, 1980. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., E. St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting (1) *vegetable oil and blends of vegetable oils,* in tank vehicles, from Des Moines, IA, to points in the U.S. (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of vegetable oils and blends of vegetable oils, in the reverse direction.

MC 117765 (Sub-296F), filed September 2, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting (1) *foodstuffs (except frozen),* (2) *beverages,* and (3) *dry beverage preparations,* in containers, from Haskell, OK, to points in AR, IA, KS, LA, MS, MO, NE, NM, TN, and TX.

MC 117765 (Sub-297F), filed September 3, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *non-frozen foodstuffs,* and *beverages,* in containers, from Van Buren, AR, to points in AL, CO, IA, KS, KY, LA, MS, NE, NM, OK, TN, and TX.

MC 125535 (Sub-22F), filed September 3, 1980. Applicant: NATIONAL SERVICE LINES, INC., 12015 Manchester Rd., St. Louis, MO 63131. Representative: Donald S. Helm (same address as applicant). Transporting (1) *copper and copper products,* (2) *insulated tubing,* and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk, in tank vehicles), between points in the U.S., under continuing contract(s) with Cerro Copper Products Company, of St. Louis, IL.

MC 133655 (Sub-227F), filed September 4, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 134064 (Sub-46F), filed September 2, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and (2) *foodstuffs,* (except in bulk), between Metairie, East New Orleans, and New Orleans, LA, on the one hand, and, on the other, those points in the U.S. in and east of NM, CO, WY, SD, and ND, restricted to traffic originating at or destined to the facilities of New Orleans Cold Storage, Inc.

MC 134755 (Sub-223F), filed September 3, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant). Transporting (1) *food or kindred products,* as described in item 20 of the Standard Transportation Commodity Code Tariff, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, (a) between points in TX, on the one hand, and, on the other, points in IL, OK, IN, OH, MN, KS, and NM, and (b) between points in IL, on the one hand, and, on the other, points in KS, MO, NE, WI, CO, MN, AL, CT, FL, GA, KY, MA, MD, NC, NJ, NY, OH, PA, and TN.

MC 134755 (Sub-224F), filed September 3, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in MO on the one hand, and, on the other, points in the U.S.

MC 134755 (Sub-225F), filed September 4, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant). Transporting *food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in the U.S.

MC 135895 (Sub-111F), filed September 2, 1980. Applicant: B &R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *plastic articles,* and *plastic containers and closures,* and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above (except commodities in bulk and those requiring special equipment), between the facilities of Continental Plastic Beverage Bottle Division, Continental Group, Inc., at Reserve, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, KY, LA, MO, MS, NC, OK, SC, TN, and TX.

MC 135895 (Sub-112F), filed September 4, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *paper and paper products,* and (2) *materials, equipment,*

and supplies used in the manufacture, sale, and distribution of paper and paper products (except commodities in bulk and those requiring special equipment), between the facilities of American Can Company in AL, and MS, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, and NM.

MC 135965 (Sub-7F), filed September 3, 1980. Applicant: WIEST TRUCKLINE, INC., 1305 6th Ave. SW., Jamestown, ND 58401. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58502. Transporting (1) *such commodities* as are dealt in by agricultural equipment dealers and manufacturers, and (2) *parts and attachments* for the commodities in (1) above, between points in the U.S., under continuing contract(s) with Virgil Wiest and Caldak, Inc., of Edmunds, WA. Condition: Applicant shall conduct separately its for-hire carriage and other business operations, and shall maintain separate accounts and records for each operation.

MC 136464 (Sub-50F), filed September 11, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Adams-Millis Corporation, of High Point, NC.

MC 136635 (Sub-38F), filed September 8, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *pulp, paper, or allied products* as described in Item 26 of the Standard Transportation Commodity Code Tariff, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Hancock County, KY, on the one hand, and, on the other, points in the U.S.

MC 136635 (Sub-39F), filed September 8, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *Iron and steel articles, containers,* and *automobile parts,* between points in IN and OH.

MC 138824 (Sub-38F), filed September 2, 1980. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. La Salle St., Room 1620, Chicago, IL 60603. Transporting (1) *food products,* in containers, and (2) *materials and supplies* used in the processing, canning, and bottling of food products (except commodities in bulk), between points in the U.S. under continuing contracts with Ocean Spray Cranberriers, Inc., of Kenosha, WI, and RJR Foods, Inc., of Winston-Salem, NC.

MC 141914 (Sub-87F), filed September 3, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *wood products,* between points in Washington County, VT, on the one hand, and, on the other, points in CA, KS, LA, PA, SC, and VA.

MC 143204 (Sub-2F), filed September 3, 1980. Applicant: CITY TRANSFER COMPANY, INC., 421 E. Second St., Owensboro, KY 42301. Representative: William L. Willis, 708 McClure Bldg., Frankfort, KY 40601. Transporting (1) *electrical products and equipment,* and (2) *parts and accessories* used in the manufacture and distribution of the commodities in (1), between points in Daviess County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145485 (Sub-4F), filed September 11, 1980. Applicant: DAVIS CARTAGE COMPANY, a corporation, P.O. Box 96, Corunna, MI 48817. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting (1) *automobile and appliance parts,* and (2) *materials and supplies* used in the manufacture, distribution, and repair of the commodities in (1) above, between points in Clinton and Shiawassee Counties, MI, and Bennington County, VT, on the one hand, and, on the other, those points in the U.S. in, east, and north of MN, IA, MO, KY, and VA.

MC 145544 (Sub-8F), filed September 3, 1980. Applicant: W. & M., INC., P.O. Box 2237, East Chicago, IN 46312. Representative: Joseph Winter, 29 South La Salle St., Chicago, IL 60604. Transporting *such commodities* as are dealt in by machinery dealers, between points in the U.S. (except AK and HI), under continuing contract(s) with Adams Machinery Co., of Chicago, IL.

MC 148874 (Sub-3F), filed September 8, 1980. Applicant: PROFICIENT FOOD COMPANY, a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. Transporting *malt beverages,* in containers, from Phoenix, AZ, to points in Los Angeles, Orange, Riverside, San Diego, and San Bernardino Counties, CA.

MC 113165 (Sub-12F), filed September 4, 1980. Applicant: PENINSULA TRUCK LINES, INC., 6314 7th Ave., South, Seattle, WA 98108. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98004. Over regular routes, transporting *general commodities* (except commodities in bulk), (1) Between Portland, OR, and Aberdeen, WA, (a) from Portland over Interstate Hwy. 5 to Olympia, WA, then over Hwy. 101 to junction WA Hwy. 8, then over WA Hwy. 8 to junction U.S. Hwy. 12, and then over U.S. Hwy. 12 to Aberdeen, and return over the same route, (b) from Portland over Interstate Hwy. 5 to Chehalis, WA, then over WA Hwy. 6 to Raymond, WA, and then over U.S. Hwy. 101 to Aberdeen, and return over the same route, (c) from Portland over Interstate Hwy. 5 to Kelso, WA, then over WA Hwy. 4 to junction U.S. Hwy. 101, and then over U.S. Hwy. 101 to Aberdeen, and return over the same route, serving in connection with routes (1) (a), (b), and (c) all intermediate points and all off-route points in Pacific and Grays Harbor Counties, WA, (2) Between Portland, OR, and Bremerton, WA, (a) from Portland over Interstate Hwy. 5 to Olympia, WA, then over U.S. Hwy. 101 to junction WA Hwy. 8, then over WA Hwy. 8 to Shelton, WA, then over U.S. Hwy. 101 to junction WA Hwy. 3, and then over WA Hwy. 3 to Bremerton, and return over the same route, (b) from Portland over Interstate Hwy. 5 to junction U.S. Hwy. 101, then over U.S. Hwy. 101 to junction WA Hwy. 8, then over WA Hwy. 8 to Shelton, then over U.S. Hwy. 101 to junction WA State Rd. 106, and then over WA State Rd. 106 to Bremerton, and return over the same route, and (c) from Portland over Interstate Hwy. 5 to Tacoma, WA, and then over WA Hwy. 16 to Bremerton, and return over the same route, serving in connection with routes (2) (a), (b), and (c) all intermediate and off-route points in Mason and Kitsap Counties, WA, and (3) Between Portland, OR, and Port Angeles, WA, from Portland over Interstate Hwy 5 to junction U.S. Hwy. 101, then over U.S. Hwy. 101 to junction WA Hwy. 8, then over WA Hwy. 8 to Shelton, WA, and then over U.S. Hwy. 101 to Port Angeles, and return over the same route, serving all intermediate and off-route points in Jefferson, Clallam, and Mason Counties, WA. Condition: The certificate to be issued, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period

expiring five (5) years from the date of issuance.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29840 Filed 9-29-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Alaska

[F-14844-A]

Alaska Native Claims Selection; Cantwell Yedatene Na Corp.

On August 9, and October 28, 1965, the State of Alaska filed a community grant selection application pursuant to Sec. 6(a) and general grant selection applications, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Secs. 6(a) and 6(b) (1976)). These applications selected lands near the Native village of Cantwell. A decision granting tentative approval was issued on April 12, 1966 for application A-063039 covering Sec. 4, T. 19 S., R. 8 W., Fairbanks Meridian.

On December 18, 1971, Sec. 11 of the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601, 1610 (1976)) (ANCSA), withdrew the lands surrounding the Native village of Cantwell, including lands in the subject State selection application for Native selection. On July 9, 1974, Cantwell Yedatene Na Corporation filed village selection application F-14844-A, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (1976)) (ANCSA), for the surface estate of lands located near the village of Cantwell, including lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 11(a)(2) withdrew for possible selection by the Native corporation those lands that have been selected by, or tentatively approved to, but not yet patented to, the State of Alaska under the Alaska Statehood Act. Section 12(a)(1) further provided that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. (11a)(2).

The following described lands, which are State selected, portions of which were tentatively approved, have been properly selected by Cantwell Yedatene Na Corporation under selection application F-14844-A.

Accordingly, the following State selection applications are hereby rejected in part and the tentative approval given in the aforementioned decision is hereby rescinded as to the following described lands:

State Selection F-034722 (Anch.) (Community Grant)

U.S. Survey No. 3203B, Block 11.
Containing .28 acre.
U.S. Survey No. 3229, lots 10a, 20, 24, and 39.
Containing approximately 15 acres.
U.S. Survey No. 5590, lot 1, excluding Native allotment F-14372 (Anch.)
Containing approximately 2.50 acres.
T. 18 S., R. 7 W. Fairbanks Meridian, Alaska (Surveyed).
Those portions of Tract A more particularly described as protracted:
Sec. 3, excluding U.S. Surveys 3229, 5590 and 5594 and Native allotments F-14372 (Anch.), F-14669 (Anch.) and F-15557 (Anch.);
Sec. 4, excluding U.S. Surveys 3203, 3229, 4001, 5594 and 5595 and Native allotments F-14360 (Anch.) and F-14668 (Anch.);
Sec. 5, all;
Sec. 6, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247.
Containing approximately 1,584 acres.

State Selection F-034727 (Anch.) (General Purposes Grant)

U.S. Survey No. 3203B, Block 5, Block 6 lot 10, Block 7 lots 1 to 9, inclusive, Block 10 lots 1 and 2.
Containing 28.42 acres.
U.S. Survey No. 3649, lot 1.
Containing 0.757 acre.
U.S. Survey No. 4001, Tract A, lot 2 and Tract B, lots 2, 3 and 4.
Containing 16.95 acres.
U.S. Survey No. 5596, lots 3, 4, 7, 8, 9, and 10, excluding Native allotment F-032686 (Anch.); lots 12 and 13.
Containing approximately 17.90 acres.
T. 17 S., R. 7 W. Fairbanks Meridian, Alaska (Surveyed).
Sec. 29, N½, SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼; S½SE¼SE¼ excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½NE¼, NW¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼, E½NW¼; E½SW¼ excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 32, lots 1 and 2, excluding Native allotment F-12212 (Anch.) Parcel A; N½, E½SW¼, W½SE¼, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247; SW¼NE¼SE¼, SE¼SE¼, excluding Native allotment F-31726 (Anch.).
Those portions of Tract A more particularly described as protracted:
Secs. 1, 2 and 10, all;
Sec. 11, excluding U.S. Survey 5589;
Sec. 12, excluding U.S. Surveys 4322 and 4434 and Native allotment F-14665 (Anch.);
Sec. 13, excluding Native allotment F-14665 (Anch.);
Sec. 14, excluding U.S. Survey 5589;
Sec. 15, excluding U.S. Survey 5589;
Secs. 19 and 20, all;
Sec. 21, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Secs. 22 to 26, inclusive, all;
Sec. 27, excluding U.S. Survey 5596 and Native allotment F-12212 (Anch.) Parcel B;
Sec. 28, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247 and Native allotment F-12212 (Anch.) Parcel B;
Sec. 33, N½ excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247 and Native allotments F-11732 (Anch.), F-032686 (Anch.) Parcel A and U.S. Survey 5596;
Sec. 34, excluding U.S. Surveys 3229 and 5596 and Native allotment F-032686 (Anch.);
Secs. 35 and 36, all.
Tract B.
Containing approximately 12,432.44 acres.

State Selection F-034738 (Anch.) (General Purposes Grant)

U.S. Survey No. 3203B, Block 11.
Containing .28 acre.
U.S. Survey No. 3229, lots 10a, 20, 24, and 39.
Containing approximately 15 acres.
U.S. Surey No. 5590, lot 1, excluding Native allotment F-14372 (Anch.).
Containing approximately 2.50 acres.
T. 18 S., R. 7 W., Fairbanks Meridian, Alaska (Surveyed).
Those portions of Tract A more particularly described as protracted:
Sec. 3, excluding U.S. Surveys 3229, 5590 and 5594 and Native allotments F-14372 (Anch.), F-14669 (Anch.) and F-15557 (Anch.);
Sec. 4, excluding U.S. Surveys 3203, 3229, 4001, 5594 and 5595 and Native allotments F-14360 (Anch.) and F-14668 (Anch.);
Sec. 5, all;
Sec. 6, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247.
Tracts B and C.
Those portions of Tract D and more particularly described as protracted:
Sec. 1, all;
Sec. 2, excluding U.S. Surveys 4196 and 5590 lot 3 and Native allotment F-14669 (Anch.);
Secs. 7 and 8, all;
Sec. 9, excluding U.S. Survey 5594 and Native allotment F-14360 (Anch.);
Sec. 10, excluding U.S. Survey 5594 and Native allotments F-14544 (Anch.) Parcel B and F-14669 (Anch.);
Sec. 11, excluding Drashner Lake, U.S. Surveys 4196 and 5593 and Native allotments F-14669 (Anch.), and F-14717 (Anch.);
Sec. 12, excluding U.S Survey 5593 and Native allotment F-14717 (Anch.);
Secs. 13, 14, and 15, all.
Containing approximately 7,948 acres.

State Selection F–034873 (General Purposes Grant)

U.S. Survey No. 4304, lot 1.
Containing 14.43 acres.
U.S. Survey No. 5604, lot 3.
Containing 5 acres.
T. 15 S., R. 6 W., Fairbanks Meridian, Alaska (Surveyed).
Those portions of Tract A more particularly described as protracted:
Sec. 5, all;
Sec. 6, excluding U.S. Surveys 4304, 5565, 5602, and Native allotment F–17779;
Sec. 7, excluding U.S. Surveys 4304, and 5602;
Sec. 8, all;
Sec. 17, excluding U.S. Survey 5604;
Sec. 18, excluding U.S. Surveys 2209, 4040, 5564, and 5604;
Sec. 19, excluding U.S. Surveys 4040 and 5564;
Sec. 30, all;
Sec. 31, excluding U.S. Survey 5576.
Containing approximately 5,130 acres.

State Selection F–034874 (Anch.)

T. 18 S., R. 6 W., Fairbanks Meridian, Alaska (Surveyed).
Secs. 1 and 2, all.
Those portions of Tract A more particularly described as protracted:
Secs. 3 to 10, inclusive, 17 and 18, all.
Containing approximately 7,585 acres.

State Selection F–034875 (Anch.) (General Purposes Grant)

U.S. Survey No. 5588.
Containing 5.00 acres.
U.S. Survey No. 5603.
Containing 18.77 acres.
T. 17 S., R. 6 W., Fairbanks Meridian, Alaska (Surveyed).
Sec. 35, all;
That portion of Tract A more particularly described as protracted:
Sec. 34, excluding U.S. Surveys 5588 and 5603.
Containing approximately 1,256 acres.
State Selection F–034876 (Anch.) (General Purposes Grant)
T. 16 S., R. 6 W., Fairbanks Meridian, Alaska (Surveyed).
Those portions of Tract A more particularly described as protracted:
Sec. 6, excluding U.S. Survey 5576;
Sec. 7, all;
Sec. 18, excluding U.S. Survey 3652;
Sec. 19, all.
Containing approximately 2,525 acres.
State Selection F–034877 (Anch.) (General Purposes Grant)
U.S. Survey No. 5592.
Containing 4.95 acres.
T. 16 S., R. 7 W., Fairbanks Meridian, Alaska (Surveyed).
Tract A.
Containing 1,908 acres.

State Selection F–034878 (General Purposes Grant)

U.S. Survey No. 5576, lot 3.
Containing 5 acres.
T. 15 S., R. 7 W., Fairbanks Meridian, Alaska (Surveyed).
Tracts A, B, C, and D.
Containing 1,853.49 acres.

State Selection A–063039 (Community Grant)

T. 19 S., R. 8 W., Fairbanks Meridian, Alaska (Surveyed).
Sec. 4, all.
Containing approximately 474 acres.

State Selection A–063045 (General Purposes Grant)

T. 19 S., R. 9 W., Fairbanks Meridian, Alaska (Surveyed).
Sec. 1, S½ excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Secs. 2 and 11, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Secs. 12 and 13, all;
Sec. 14, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Sec. 15, NE¼, W½;
Sec. 21, all;
Sec. 22, N½, E½SW¼, SE¼NW¼SW¼, E½SW¼SW¼, W½SE¼, excluding ANCSA Sec. 3(e) applications AA–14962 and AA–31247 and the railroad gravel reservation as reserved by Public Land Order 844;
Secs. 23 and 26, all;
Sec. 27, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247 and the railroad gravel reservation as reserved by Public Land Order 844;
Sec. 28, SE¼SE¼NE¼, W½, SE¼, excluding ANCSA Sec. 3(e) applications AA–24962, AA–31247 and the railroad gravel reservation as reserved by Public Land Order 844 and Patent Nos. 1136328, 1134873, 1136486;
Sec. 29, all;
Sec. 32, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Sec. 33, N½, SE¼, excluding ANCSA Sec. 3(e) applications AA–24962, AA–31247 and the railroad gravel reservation as reserved by Public Land Order 844 and Patent No. 1148544.
Containing approximately 8,563 acres.
Aggregating approximately 51,412 acres.

The State selected lands rejected above aggregate approximately 51,412 acres; however, 1,907 acres of State selections were not valid selections and will not be charged against the 69,120 acre limitation of State selected lands as set forth in Sec. 12(a) of ANCSA. State selection application A–063039 will be closed of record when this decision becomes final. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

The total amount of State-selected lands rejected to permit the conveyance hereafter given totals approximately 49,505 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

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 55,814 acres, is considered proper for acquisition by Cantwell Yedatene Na Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

The following described lands are approved for patent:

U.S. Survey No. 3203 A (Boundaries) and 3203 B (Subdivisions) Block 5, Block 6 lot 10, Block 7 lots 1 to 9, inclusive, and Blocks 10 and 11, townsite of Cantwell, Alaska situated at the junction of the Paxson-McKinley Park highway with the spur road to Cantwell Station in unsurveyed Sec. 33 T. 17S., R. 7 W., Fairbanks Meridian, Alaska.
Containing 28.70 acres.
U.S. Survey No. 3229, lots 20 and 24. Situated at the junction of the Paxson-McKinley Park Highway with the spur to Cantwell Station.
Containing 7.05 acres.
U.S. Survey No. 3649, lot 1. Situated on the north side of Cantwell Spur Road and approximately 1¼ miles east of Cantwell, Alaska.
Containing 0.757 acre.
U.S. Survey No. 3652, lot 1. Situated on the east side of the Denali Highway approximately 11½ miles north of Cantwell, Alaska.
Containing 0.79 acre.
U.S. Survey No. 4001, Tract A, lot 2 and Tract B, lots 2, 3 and 4. Situated on both sides of the Cantwell Station Road and adjacent to the west boundary of U.S. Survey No. 3229 and the Cantwell Townsite.
Containing 16.95 acres.
U.S. Survey No. 4304, lot 1, located on the McKinley Park Highway approximately 7 miles southeast of McKinley Park Junction, Alaska.
Containing 14.43 acres.
U.S. Survey No. 5576, lot 3, located approximately 12 miles north of Cantwell, Alaska on the Denali Highway.
Containing 5.00 acres.
U.S. Survey No. 5588. Situated at mile 125.6 on the Denali Highway approximately 9½ miles east of Cantwell, Alaska.
Containing 5.00 acres.
U.S. Survey No. 5590, lot 3. Situated on the northerly side of the Denali Highway approximately 1½ miles easterly of Cantwell, Alaska.
Containing 5.00 acres.
U.S. Survey No. 5592. Situated on the east side of the Denali Highway 11½ miles north of Cantwell, Alaska.
Containing 4.95 acres.
U.S. Survey No. 5596, lots 12 and 13, located approximately 1½ miles east of Cantwell, Alaska.
Containing 9.90 acres.
U.S. Survey No. 5603, located at mile 125.6 on the Denali Highway approximately 9½ miles east of Cantwell, Alaska.
Containing 18.77 acres.

U.S. Survey No. 5604, lot 3, located approximately 9 miles south of the McKinley Park Railroad Station on the Denali Highway.
Containing 5.00 acres.

Fairbanks Meridian, Alaska

T. 15 S., R. 7 W., (Surveyed)
Tracts A, B, C, and D.
Containing 1,853.49 acres.
T. 16 S., R. 7 W., (Surveyed)
Tract A.
Containing 1,907.65 acres.
T. 17 S., R. 6 W., (Surveyed)
Sec. 35.
Containing 640 acres.
T. 17 S., R. 7 W., (Partially Surveyed)
Sec. 29, N½, SW¼, N½SE¼, SW¼SE¼, N½SE¼
SE¼;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½NE¼, NW¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼, E½NW¼, NE¼SW¼, N½SE¼SW¼;
Sec. 32, N½NW¼, SW¼NW¼, SE¼SW¼, SW¼SE¼.
Tract B.
Containing 1,836.44 acres.
T. 18 S., R. 6 W., (Surveyed)
Secs. 1 and 2.
Containing 1,280 acres.
T. 18 S., R. 7 W., (Surveyed)
Tracts B and C.
Containing 11.65 acres.
T. 19 S., R. 8 W., (Partially Surveyed)
Sec. 4
Containing 474.07 acres.
T. 19 S., R. 9 W., (Surveyed)
Sec. 1, lot 8, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 11, NW¼, W½SW¼, SE¼SE¼;
Secs. 12 and 13;
Sec. 14, E½, E½SW¼, SW¼SW¼:
Sec. 15, N½, SW¼;
Sec. 21;
Sec. 22, E½NE¼, W½NW¼;
Secs. 23 and 26;
Sec. 27, E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 28, NW¼, N½SW¼;
Sec. 29;
Sec. 32, N½, SW¼, NW¼SE¼;
Sec. 33, E½NE¼, SW¼NE¼, N½NW¼NW¼, SW¼NW¼NW¼, SE¼.
Containing 7,470.10 acres.
The following lands are approved for Interim Conveyance:
U.S. Survey No. 3229, lots 10A and 39, excluding Native allotment F–15557 (Anch.). Situated at the junction of the Paxson-McKinley Park Highway with the spur to Cantwell Station.
Containing approximately 13 acres.
U.S. Survey No. 5590, lot 1, excluding Native allotment F–14372 (Anch.). Situtated on the northerly side of the Denali Highway approximately 1½ miles easterly to Cantwell, Alaska.
Containing approximately 3 acres.

Fairbanks Meridan, Alaksa.

T. 15 S., R. 6 W., (Surveyed)
Those portions of Tract A more particularly described as protracted:
Sec. 5, all;
Sec. 6, excluding U.S. Surveys 4304, 5565, and 5602 and Native allotment F–17779;
Sec. 7, excluding U.S. Surveys 4304, and 5602;
Sec. 8, all;
Sec. 17, excluding U.S. Survey 5604;
Sec. 18, excluding U.S. Survey 2209, 4040, 5564, and 5604;
Sec. 19, excluding U.S. Survey 4040 and 5564;
Sec. 30, all;
Sec. 31, excluding U.S. Survey 5576.
Containing approximately 5,130 acres.
T. 16 S., R. 6 W., (Surveyed)
Those portions of Tract A more particularly described as protracted:
Sec. 6, excluding U.S. Survey 5576;
Sec. 7, all;
Sec. 18, excluding U.S. Survey 3652;
Sec. 19, all.
Containing approximately 2,525 acres.
T. 17 S., R. 6 W., (Surveyed)
That portion of Tract A more particularly described as protracted:
Sec. 34, excluding U.S. Surveys 5588 and 5603.
Containing approximately 616 acres.
T. 17 S., R. 7 W., (Partially Surveyed)
Sec. 29, S½SE¼SE¼ excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Sec. 31, S½SE¼SW¼ excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Sec. 32, lots 1 and 2, excluding Native allotment F–12212 (Anch.) Parcel A; NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247; SW¼NE¼SE¼, SE¼SE¼, excluding Native allotment F–031726 (Anch.) Parcel A.
Those portions of Tract A more particularly described as protracted:
Sec. 1, excluding U.S. Survey 4434;
Secs. 2 and 10, all;
Sec. 11, excluding U.S. Survey 5589;
Sec. 12, excluding U.S. Surveys 4322, 4434, and Native allotment F–14665 (Anch.);
Sec. 13, excluding Native allotment F–14665 (Anch.);
Sec. 14 excluding U.S. Survey 5589;
Sec. 15, excluding U.S. Survey 5589;
Secs. 19 and 20, all;
Sec. 21, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Secs. 22 to 26, inclusive;
Sec. 27, excluding U.S. Survey 5596, and Native allotment F–12212 (Anch.) Parcel B;
Sec. 28, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247 and Native allotments F–12212 (Anch.) Parcel B and F–032686 (Anch.) Parcel A;
Sec. 33, N½ excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247, U.S. Survey 5596, and Native allotment F–032686 (Anch.) Parcel A;
Sec. 34, excluding U.S. Surveys 3229 and 5596 and Native allotment F–032686 (Anch.) Parcels A and B;
Secs. 35 and 36, all.
Containing approximately 10,596 acres.
T. 18 S., R. 5 W., (Unsurveyed)
Secs. 1 to 6, inclusive, all.
Containing approximately 3,807 acres.
T. 18 S., R. 6 W., (Surveyed)
Those portions of Tract A more particularly described as protracted:
Secs. 3 to 10, inclusive, all;
Secs. 17 and 18, all.
Containing approximately 6,305 acres.
T. 18 S., R. 7 W., (Surveyed)
Those portions of Tract A more particularly described as protracted:
Sec. 3, excluding U.S. Surveys 3229, 5590, and 5594, and Native allotments F–14372 (Anch.), F–14669 (Anch.), and F–15557 (Anch.);
Sec. 4, excluding U.S. Surveys 3203, 3229, 4001, 5594, and 5595 and Native allotments F–14360 (Anch.) and F–14668 (Anch.) Parcel B;
Sec. 5, all;
Sec. 6, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247.
Those portions of Tract A more particularly described as protracted:
Sec. 1, all;
Sec. 2, excluding U.S. Surveys 4196 and 5590 and Native allotment F–14669 (Anch.);
Secs. 7 and 8, all;
Sec. 9, excluding U.S. Survey 5594 and Native allotment F–14360 (Anch.);
Sec. 10, excluding U.S. Survey 5594 and Native Allotment F–14544 (Anch.) Parcel B and F–14669 (Anch.);
Sec. 11, excluding U.S. Surveys 4196 and 5593, Native allotments F–14717 (Anch.) and F–14669 (Anch.), and Drashner Lake;
Sec. 12, excluding U.S. Survey 5593 and Native allotment F–14717 (Anch.);
Secs. 13, 14, and 15, all.
Containing approximately 7,936 acres.
T. 19 S., R. 8 W., (Partially Surveyed)
Secs. 7, 8, 17, and 18, all.
Containing approximately 2,194 acres.
T. 19 S., R. 9 W., (Partially Surveyed)
Sec. 1, that portion of the submerged lands lying beneath Summit Lake lying in the S½; lot 9, W½SW¼, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Sec. 2, SE¼SE¼ excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Sec. 11, NE¼, E½SW¼, N½SE¼, SW¼SE¼, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Sec. 14, NW¼, NW¼SW¼, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247;
Sec. 22NW¼NE¼, E½NW¼, excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247; SW¼NE¼, E½SW¼, N½NW¼SE¼, excluding ANCSA Sec. 3(e) applications Aa–24962 and AA–31247 and the gravel reservation as reserved by Public Land Order 844; SE¼NW¼SW¼, E½SW¼SW¼, excluding the gravel reservation as reserved by Public Land Order 844;
Sec. 27, W½NW¼ excluding ANCSA Sec. 3(e) applications AA–24962 and AA–31247 and the railroad gravel reservation as reserved by Public Land Order 844;
Sec. 28, SE¼SE¼NE¼, S½SW¼, SE¼, excluding ANCSA Sec. 3(e) applications AA–24962, AA–31247 and the railroad gravel reservation as reserved by Public

Land Order 844 and Patent Nos. 1136328, 1134873, 1136486:
Sec. 32, E½SE¼, SW¼SE¼, excluding ANCSA Sec. 3(e) applications Aa–24962 and Aa–31247;
Sec. 33, NE¼NW¼, SW¼NW¼, and SE¼NW¼NW¼ excluding ANCSA 3(e) applications Aa–24962, AA–31247 and the railroad reservation as reserved by Public Land Order 844 and Patent No. 1148544.
Containing approximately 1,093 acres.
Aggregate approximately 55,814 acres.

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–14844–EE (Anch.) 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)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles track vehicles, and four-wheel drive vehicles.

a. (EIN 3a C5, L) An easement for an existing access trail twenty-five (25) feet in width from the Parks Highway in Sec. 22, T. 19 S., R. 9 W., Fairbanks Meridan, northeasterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 3c C5, L) An easement for an existing access trail twenty-five (25) feet in width from the Denali Highway in Sec. 7, T. 18 S., R. 6 W., fairbanks Meridian, southerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 6b C5, L) An easement for an existing access trail fifty (50) feet in width from the Parks Highway in Sec. 15, T. 19 S., R. 9 W., Fairbanks Meridian westerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 7a C5, D1, L) An easement for an existing access trail twenty-five (25) feet in width from the Cantwell Airport in Sec. 31, T. 17 S., R. 7 W., Fairbanks Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 13d L) An easement for an existing access trail fifty (50) feet in width from the Parks Highway in Sec. 6, T. 15 S., R. 6 W., Fairbanks Meridian, northeasterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

f. (EIN 15 C5, L) An easement for an existing access trail fifty (50) feet in width from the Parks Highway in Secs. 1 and 12, T. 17 S., R. 7 W., Fairbanks Meridian, easterly along the Schist Creek to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

g. (EIN 16 C5, L) An easement for an existing access trail fifty (50) feet in width from the Parks Highway in Sec. 24, T. 16 S., R. 7 W., Fairbanks Meridian, southeasterly generally parallel to the left bank of Sline (Slime) Creek to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

h. (EIN 17a L) An easement for an existing access trail twenty-five (25) feet in width from the Parks Highway in Sec. 36, T. 15 S., R. 7 W., Fairbanks Meridian, easterly along Carlo Creek to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 21 L) An easement for an existing access trail twenty-five (25) feet in width from the Parks Highway in Sec. 7, T. 15 S., R. 6 W., Fairbanks Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

j. (EIN 22 D1) An easement for a propoased access trail twenty-five (25) feet in width from the Denali Highway in Sec. 4, T. 18 S., R. 6 W., Fairbanks Meridian, northwest to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 23 D1) An easement for a proposed access trail twenty-five (25) feet in width from the Denali Highway in Sec. 33, T. 17 S., R. 5 W., Fairbanks Meridian, southerly along Edmonds Creek to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

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 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. 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 land hereinabove granted, as are prescribed in said section;

4. A right-of-way, F–21531, for a Communication Site and Buried Cables granted to Matanuska Telephone Association located in Tract A, protracted Sec. 6, T. 15 S., R. 6 W., Fairbanks Meridian, Alaska, pursuant to the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 1961) as amended;

5. A right-of-way, F–19396 (Anch.), for communication for Reindeer Hill Nos. 1 and 2, the Cantwell site and access roads, located in Secs. 31, 32, and Tract A, protracted Secs. 26, 34 and 35, T. 17 S., R. 7 W., and Tract A, protracted Sec. 3, and Tract D, protracted Sec. 2, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska, granted to RCA Alaska Communications, Inc., pursuant to the Act of March 4, 1911, as amended, (36 Stat. 1253; 43 U.S.C 961);

6. A right-of-way, F–19397, for a Communication Site and access road, fifty (50) feet in width, granted to RCA Alaska Communications, Inc. located in Tract A, protracted Sec. 6, T. 15 S., R. 6W., Fairbanks Meridian, Alaska, pursuant to the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 1961) as amended;

7. Rights-of-way for a Federal Aid Highway channel change. Act of August 27, 1958, as amended, 23 U.S.C. 317 as to:

a. F–20512 (Anch.), located in Tract A, protracted Sec. 4, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

b. F–030652 (Anch.) located in Tract A, protracted Sec. 4, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska.

8. A right-of-way, F–033590 (Anch.), for a Federal Aid Highway channel change. Act of November 9, 1921, as amended, 23 U.S.C. 18, located in Tract A, protracted Sec. 4, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

9. A special use permit F–862, issued June 6, 1977, per Instruction Memo ADO–74–11 of August 12, 1974, to the University of Alaska, Fairbanks, Alaska for a reindeer research project, located in Tract A. protracted Secs. 5 and 6, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

10. A right-of-way, A–052629 (Parks Highway), for a Federal Aid Highway. Act of August 27, 1958, as amended 23 U.S.C. 317 located in Secs. 1,2, 11, 15, 21, 22, 28, 32, and 33, T. 19 S., R. 9 W., Fairbanks Meridian, Alaska;

11. A right-of-way, A–058799 (Parks Highway), for a Federal Aid Highway. Act of August 27, 1953, 23 U.S.C. 327, located in Secs. 2, 11, 14, 15, 22, 27, 32, and 33, T. 19 S., R. 9 W., Fairbanks Meridian, Alaska;

12. A right-of-way, F–18952 (Parks Highway), for a Federal Aid Highway. Act of August 27, 1958, 23 U.S.C. 317 for highway purposes located in Ts. 15 and 16 S., R. 6 W., and Tx. 15, 16, and 17 S., R. 7W., Fairbanks Meridian, Alaska and a tourist turnout in Tract A, protracted Sec. 18, T. 15 S., R. 6 W., Fairbanks Meridian, Alaska.

13. A right-of-way, F–030653 (Anch.) (Parks Highway), for a Federal Aid Highway. Act of August 27, 1958, as amended, 23 U.S.C. 317 located in U.S. Survey 3229 and Tracts A, B, C. and D, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

14. Any right-of-way interest in the Denali Highway (FAP Route 52) transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, excuted by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) located in Ts. 15, 16, 17, and 18 S., Rs. 6 and 7 W., and T. 18 S., R. 5 W., Fairbanks Meridian, Alaska;

15. Any right-of-way interest in the Cantwell Depot Road Transferred to the State of Alaska by the quitclaim deed dated June 3, 1959 executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) from the City of Cantwell through Sec. 32, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;

16. Rights-of-way for Federal Aid materials sites. Act of November 9, 1921, as amended, 23 U.S.C. 18, as to:

a. f–026067 (Anch.), located in Tract D. protracted Secs. 2 and 11, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

b. F–026068 (Anch.), located in Secs. 2 and 3, T. 18 S., R. 5 W., Fairbanks Meridian, Alaska;

c. F–026069 (Anch.), located in Sec. 1, T. 18 S., R. 5 W., Fairbanks Meridian, Alaska;

d. F–026070 (Anch.), located in Sec. 1, T. 18 S., R. 5 W., Fairbanks Meridian, Alaska;

e. F–026071 (Anch.), located in Tract A, protracted Sec. 5, T. 18 S., R. 6 W., Fairbanks Meridian, Alaska;

f. F–026073 (Anch.), located in Sec. 35, T. 17 S., R. 6 W., Fairbanks Meridian, Alaska;

g. F–026125 (Anch.), located in Tract D, protracted Secs. 2 and 11, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

h. F–029727 (Anch.), located in Tract A, protracted Secs. 11 and 14, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;

i. F–029729 (Anch.), located in Tract A, protracted Sec. 1, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;

j. F–029731 (Anch.), located in Tract A, protracted Sec. 1, T. 16 S., R. 7 W., Fairbanks Meridian, Alaska;

k. F–029386 (Anch.), located in Tract A, protracted Sec. 34, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;

l. F–033008, located in Tract C, protracted Sec. 36, T. 15 S., R. 7 W., Fairbanks Meridian, Alaska;

m. F–033434 (Anch.), located in Tract A, protracted Sec. 24, T. 16 S., R. 7 W., Fairbanks Meridian, Alaska;

n. F–033436 (Anch.), located in Tract A, protracted Sec. 36, T. 16 S., R. 7 W., Fairbanks Meridian, Alaska;

o. F–033438 (Anch.), located in Tract A, protracted Sec. 1, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;

p. F–033441 (Anch.), located in Tract A, protracted Secs. 15 and 22, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska; and

q. F–033526 (Anch.), located in Tract A, protracted Sec. 1, T. 16 S., R. 7 W., Fairbanks Meridian, Alaska;

19. Rights-of-way for Federal Aid material sites. Act of August 27, 1958, as amended, 23 U.S.C. 317 as to:

a. F–6535 (Anch.), located in Tract D, protracted Secs. 10 and 15, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

b. F–12102 (Anch.), located in Tract A, protracted Sec. 7, T. 16 S., R. 6 W., and Tract A, T. 16 S., R. 7 W., Fairbanks Meridian, Alaska;

c. F–026074 (Anch.), located in Sec. 32, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;

d. F–29387 (Anch.), located in Sec. 27, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;

e. F–029732, located in Tract A, protracted Sec. 19, T. 15 S., R. 6 W., and Tract C, protracted Sec. 25, T. 15 S., R. 7 W., Fairbanks Meridian, Alaska;

f. F–030594 (Anch.), located in Tract A, protracted Sec. 4, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

g. F–030599 (Anch.), located in Tract A, protracted Sec. 3, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

h. F–030622 (Anch.), located in Tract D, protracted Sec. 7, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

i. F–030929 (Anch.), located in Tract A, protracted Sec. 4, T. 18 S., R. 7 W., Fairbanks Meridian, Alaska;

j. A–061591, located in Sec. 23, T. 19 S., R. 9 W., Fairbanks Meridian, Alaska;

k. A–058899, located in Sec. 22, T. 19 S., R. 9 W., Fairbanks Meridian, Alaska;

l. A–058900, located in Sec. 11, T. 19 S., R. 9 W., Fairbanks Meridian, Alaska;

Cantwell Yedatene Na Corporation is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage approved for conveyance is approximately 55,814 acres. The remaining entitlement of approximately 13,306 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 AHTNA, Inc. when the surface estate is conveyed to Cantwell Yedatene Na Corporation, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above described lands.

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, 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 October 30, 1980 to file an appeal.

Any party known or unknown 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:

Cantwell Yedatene Na Corporation, Cantwell, Alaska 99729.

AHTNA, Inc., Drawer G, Copper Center, Alaska 99573.

State of Alaska, Division of Research and Development, Department of Natural

Resources, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Ann Johnson

Chief, Branch of Adjudication.

[FR Doc. 80-30308 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[F-14849-A]

Alaska Native Claims Selection; Chevak Co. and Calista Corp.

This decision rejects improperly filed Sec. 14(h)(1) selections, approves lands selected pursuant to Sec. 12(a) in the area of Chevak for conveyance to Chevak Company, and rejects a Sec. 12(b) selection to the extent that it conflicts with lands herein approved for conveyance under Sec. 12(a).

I. Section 14(h)(1) Applications Rejected in Entirety

Calista Corporation filed selection applications AA-9716, AA-9728, AA-9729, AA-9730 on September 18, 1975; AA-9796 on September 24, 1975; AA-9998, AA-10009, AA-10011, AA-10013, AA-10014, AA-10015, AA-10017 on October 20, 1975; AA-11215, AA-11216, AA-11217, AA-11218, AA-11230, and AA-11235 on April 28, 1976, pursuant to Sec. 14(h)(1) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(h) (1976)). 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 Chevak Company 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. 17 N., R. 85 W.
AA-9796 Sec. 8, SE¼SW¼SE¼SW¼.
Containing approximately 2.5 acres.
AA-9716 Sec. Sec. 11, S½NE¼ NW¼NW¼.
Containing approximately 5 acres.

T. 16 N., R. 87 W.
AA-10017 Sec. 7 (fractional), W½NW¼NW¼.
Containing approximately 20 acres.
AA-9730 Sec. 21, SE¼NW¼SW¼.
Containing approximately 10 acres.
AA-9728 Sec. 28, S½SW¼SE¼SE¼; Sec. 33, N½NW¼NE¼NE¼.
Containing approximately 10 acres.
AA-10015 Sec. 33, SW¼SW¼SE¼SW¼.
Containing approximately 2.5 acres
AA-10014 Sec. 33, SE¼NE¼SE¼SW¼.
Containing approximately 2.5 acres.
AA-9729 Sec. 34, SW¼SE¼NE¼.
Containing approximately 10 acres.

T. 16 N., R. 89 W.
AA-10011 Sec. 20, NW¼NW¼NE¼NE¼.
Containing approximately 2.5 acres.
AA-10009 Sec. 29, SW¼SW¼SE¼SE¼.
Containing approximately 2.5 acres.

T. 16 N., R. 90 W.
AA-10013 Sec. 11, E½NE¼SW¼.
Containing approximately 20 acres.
AA-11235 Sec. 32 (fractional), S½NE¼SE¼.
Containing approximately 15 acres.

T. 15 N., R. 91 W.
AA-11217 Sec. 3 (fractional), W½SE¼SE¼NW¼.
Containing approximately 5 acres.
AA-11218 Sec. 3, S½NW¼SW¼SE¼.
Containing approximately 5 acres.

T. 15 N., R. 92 W.
AA-11215 Sec. 3, E½NE¼SW¼NW¼.
Containing approximately 5 acres.
AA-11216 Sec. 3, S½NW¼SE¼NW¼.
Containing approximately 5 acres.

T. 16 N., R. 92 W.
AA-9999 Sec. 2, SW¼SW¼NE¼NW¼.
Containing approximately 2.5 acres.
AA-9998 Sec. 2, NE¼NE¼NW¼SW¼.
Containing approximately 2.5 acres.
AA-11230 Sec. 26 (fractional), N½SE¼SE¼SE¼.
Containing approximately 5 acres.

When this decision becomes final, these applications will be closed of record.

II. Section 12(b) Application Rejected in Part, Lands Proper for Village Selection, Approved for Interim Conveyance

On November 22, 1974, Chevak Company, for the Native village of Chevak, filed selection application F-14849-A, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)), for the surface estate of certain lands in the vicinity of Chevak, including lands within the Clarence Rhode National Wildlife Range (Public Land Orders 2213 and 4584).

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn from the National Wildlife Refuge System.

This decision approves approximately 62,043 acres of National Wildlife Refuge System lands for conveyance to Chevak Company. This acreage does not exceed the 69,120 acres permitted under Sec. 12(a)(1).

Section 2 of PLO 4584 (filed January 23, 1969, with the **Federal Register**, states:

"This order shall not affect any area within the boundaries of any native town or village, and should not be construed to abrogate or impair any legal or aboriginal claim or right, if any, of the natives to use the lands . . . ."

On October 13, 1967 Chevak incorporated as a 4th class city under the laws of the State of Alaska with the following described boundary:

Beginning at Corner #1, said point being situated on the right limit of the Ningikfak River at Latitude 61°31'40.1" North, Longitude 165°34'15.0" West of Greenwich, also bearing East approximately 25 chains from Corner 45, United States Survey No. 4034:
Thence North 3300 feet to Corner #2:
Thence West 6600 feet to Corner #3:
Thence South 5610 feet, to Corner #4:
Thence East 5150 feet, more or less, to Corner #5, situated on the right limit of the Ningikfak River:
Thence meandering said right limit first northerly; then easterly approximately 4000 feet to Corner #1, the point of beginning.

Therefore, only lands within the boundaries of the Clarence Rhode National Wildlife Range, excluding lands within the boundary of the 4th Class City of Chevak as established October 13, 1967, are charged to the 69,120-acre limitation of National Wildlife Refuge System lands permitted by Sec. 12(a)(1) of ANCSA as set forth in the following land descriptions.

Section 4(b) of ANCSA further provides:

"All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished."

Chevak Company in its November 22, 1974 application excluded several bodies of water. Because certain of those 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. For these reasons, the water bodies which were improperly excluded in the November 22, 1974

application, are considered selected by Chevak Company.

On December 15, 1975, Chevak Company filed selection application F-14849-A2 pursuant to Sec. 12)b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selection selection overrides the Sec. 12(b) selection. Therefore, applications F-14849-A2 is hereby rejected as to the lands herein approved for conveyance.

As to the lands described below, the Sec. 12(a) application submitted by Chevak Company 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 124,122 acres, is considered proper for acquisition by Chevak Company and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lands Within the Clarence Rhode National Wildlife Range

(PLO's 2213 and 4584)

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 88 W.
Sec. 33, all.
Containing approximately 640 acres.

T. 16 N., R. 89 W.
Secs. 4 to 9, inclusive, all;
Sec. 17, excluding Native allotments F-14746 and F-14751 Parcel C;
Sec. 18, excluding Native allotments F-14746, F-16200 Parcel C, and Ukalikchik River;
Sec. 19, excluding the Ukalikchik River;
Sec. 20, excluding the Ukalikchik River;
Sec. 29, excluding Native allotments F-14678 Parcel B, F-15689 Parcel B and the Ukalikchik River;
Sec. 32, excluding the Ukalikchik and Kashunuk Rivers.
Containing approximately 6,810 acres.

T. 17 N., R. 89 W.
Sec. 4, excluding unnamed lake drained by Ukalikchik River;
Sec. 5, excluding unnamed lake drained by the Ukalikchik River and the Ukalikchik River;
Secs. 6 and 7, excluding unnamed lake drained by the Ukalikchik River;
Sec. 8, excluding unnamed lake drained by the Ukalikchik River and the Ukalikchik River;
Sec. 9, excluding the Ukalikchik River;
Sec. 18, all;
Sec. 31, excluding Native allotments F-14759 Parcel A, F-14680 Parcel A, F-14558 Parcel B, F-14552, F-14522, F-14673 Parcel A, F-14701 Parcel A, F-14683 Parcel A, and F-14674 Parcel A;
Sec. 32, excluding Native allotments F-14674 Parcel A, F-14759 Parcel A and F-14758 Parcel D;
Sec. 33, excluding the Ukalikchik River;
Sec. 34, excluding Native allotment F-14523 Parcel A and the Ukalikchik River;
Sec. 35, excluding the Ukalikchik River.
Containing approximately 6,108 acres.

T. 18 N., R. 89 W.
Sec. 32, excluding unnamed lake drained by the Ukalikchik River.
Containing approximately 640 acres.

T. 15 N., R. 90 W.
Sec. 5, excluding Native allotment F-16194, Kashunuk River, and Keoklevik River;
Sec. 6, excluding Native allotments F-16194, F-14682 Parcel A, and Keoklevik River.
Containing approximately 575 acres.

T. 16 N., R. 90 W.
Sec. 1, all;
Secs. 2 and 11, excluding the Ukalikchik River;
Sec. 12, excluding Native allotments F-16198 Parcel B, F-14697 Parcel D, F-14689 Parcel B, F-14675 Parcel A, F-16196 Parcel D, and the Ukalikchik River;
Sec. 13, excluding the Ukalikchik River;
Sec. 31, excluding the Keoklevik River;
Sec. 32, excluding Native allotment F-17336 Parcel C, ANCSA Sec. 3(e) application AA-39595 (F035090 R/W 44LD513), Keoklevik River and Kashunuk River.
Containing approximately 4,096 acres.

T. 17 N., R. 90 W.
Sec. 1, excluding unnamed lake drained by the Ukalikchik River;
Sec. 2, all;
Sec. 3, excluding Ninglikfak River;
Sec. 4, excluding Ninglikfak River and Kwecharak River;
Sec. 5, excluding Native allotment F-15946, and Kwecharak River;
Secs. 6, 7, and 8, excluding the Kwecharak River;
Sec. 9, all;
Sec. 10, excluding Native allotment F-14454 and Ninglikfak River;
Sec. 11, excluding Native allotment F-19119 Parcel A;
Sec. 12, excluding unnamed lake drained by the Ukalikchik River;
Sec. 13, all;
Sec. 14, excluding Ninglikfak River;
Sec. 15, excluding Native allotments F-14454, F-14557 Parcel A, and Ninglikfak River;
Secs. 16 and 17, all;
Sec. 18, excluding Native allotment F-14456 Parcel A;
Sec. 19, excluding Native allotments F-14456 Parcel A, F-16959 Parcel C, F-14740 Parcel A, F-14749 Parcel B, F-14748 Parcel A, F-14558 Parcel A and F-14672 Parcel A;
Sec. 20, excluding Native allotments F-14525 Parcel B, F-14749 Parcel B, F-14748 Parcel A and F-14672 Parcel A;
Sec. 21, all;
Sec. 22, excluding Ninglikfak River;
Sec. 23, excluding Native allotment F-17336 Parcel B and Ninglikfak River;
Sec. 24, excluding Native allotment F-14551;
Sec. 25, excluding Native allotments F-14551, F-14680 Parcel A, F-16963 Parcel D and F-14525 Parcel A;
Sec. 26, excluding Native allotments F-16963 Parcel D, F-17336 Parcel B, and Ninglikfak River;
Sec. 27, that portion within the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023, U.S. Survey 4034 (ANCSA Sec. 3(e) application AA-39573) and Ninglikfak River;
Sec. 28, that portion within the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023;
Sec. 29, excluding Native allotments F-14672 Parcel A and F-14748 Parcel B;
Sec. 30, excluding Native allotments F-14558 Parcel A, F-14672 Parcel A and F-14748 Parcel B;
Secs. 31 and 32, all;
Sec. 33, that portion within the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023 and Ninglikfak River;
Sec. 34, that portion within the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023 (including ANCSA Sec. 3(e) application AA-39574) and Ninglikfak River;
Sec. 35, excluding Native allotment F-14743 Parcel A;
Sec. 36, excluding Native allotments F-14743 Parcel A, F-14673 Parcel A, F-14552, F-14525 Parcel A and F-14680 Parcel A.
Containing approximately 20,553 acres.

T. 18 N., R. 90 W.
Sec. 2, excluding the Kokechik River;
Secs. 10 and 11, excluding the Kokechik River;
Secs. 14 and 25, excluding the Kokechik River;
Secs. 22 and 23, excluding the Kokechik River;
Secs. 26, 27, 34, and 35, all.
Containing approximately 5,880 acres.

T. 19 N., R. 90 W.
Sec. 35, Excluding Kuttak River.
Containing approximately 640 acres.

T. 15 N., R. 91 W.
Sec. 1, excluding Native allotment F-14682 Parcel A and the Keoklevik River;
Secs. 2 and 3, excluding the Keoklevik River;
Secs. 7 to 10, inclusive, excluding Keoklevik River.
Containing approximately 3,831 acres.

T. 16 N., R. 91 W.
Secs. 34, 35, and 36, excluding the Keoklevik River.
Containing approximately 1,810 acres.

T. 17 N., R. 91 W.
Sec. 25, excluding Native allotment F-14674 Parcel A;
Sec. 36, all.
Containing approximately 1,200 acres.

T. 15 N., R. 92 W.
Sec. 1, excluding Native allotments F-17608, F-17610 and Keoklevik River;
Sec. 2, excluding Native allotments F-16961 Parcel D, F-16197, F-16962 ParcelA, and Keoklevik River;
Secs. 3 and 10, excluding the Keoklevik River;
Sec. 11, excluding Native allotment F-14679 Parcel B and the Keoklevik River;

Sec. 12, excluding Keoklevik River.
Containing approximately 2,435 acres.
T. 16 N., R. 92 W.
Sec. 1, excluding Native allotment F–16961 Parcel A and Ninglikfak River;
Sec. 2, excluding Native allotment F–16960 Parcel A, F–16963 Parcel A and Ninglikfak River;
Secs. 11, 12 and 13, excluding Ninglikfak River;
Sec. 14, excluding Native allotment F–16958 Parcel A and Ninglikfak River;
Sec. 23, excluding Native allotment F–16959 Parcel B;
Sec. 24, all;
Sec. 25, excluding the Keoklevik River;
Sec. 26, excluding Native allotment F–16965, Parcel C, F–16964 Parcel C, and the Keoklevik River;
Secs. 35 and 36, excluding the Keoklevik River.
Containing approximately 6,825 acres.
Aggregating approximately 62,043 acres inside PLO's 2213 and 4584.

Lands Outside Clarence Rhode National Wildlife Range

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 85 W.
Secs. 2, 3, and 4, excluding the Kashunuk River;
Secs. 5, excluding the Kashunuk River;
Sec. 6, excluding Native allotment F–16196 Parcel C and the Kashunuk River;
Secs. 7, 8, and 9, excluding the Kashunuk River;
Sec. 10, all;
Sec. 11, excluding Native allotment F–17609 Parcel B;
Sec. 15, all;
Secs. 16, 17, and 18, excluding the Kashunuk River.
Containing approximately 6,175 acres.
T. 18 N., R. 85 W.
Sec. 27, all;
Sec. 28, excluding the Kashunuk River;
Secs. 31, 32, 33, and 34, excluding the Kashunuk River;
Sec. 35, all.
Containing approximately 3,628 acres.
T. 17 N., R. 86 W.
Secs. 1 to 11, inclusive, all;
Secs. 12 and 13, excluding the Kashunuk River;
Secs. 14 to 23, inclusive, all;
Secs. 24 and 26, excluding the Kashunuk River;
Sec. 27, excluding Native allotment F–15689 Parcel A;
Secs. 28 to 33, inclusive, all;
Sec. 34, excluding Native allotment F–15689 Parcel A and the Kashunuk River.
Containing approximately 19,848 acres.
T. 18 N., R. 86 W.
Secs. 22 and 23, excluding the Kashunuk River;
Secs. 26 to 36, inclusive, all.
Containing approximately 7,985 acres.
T. 16 N., R. 87 W.
Secs. 3, 4, and 5, excluding the Kashunuk River;
Sec. 6, all;
Secs. 7, 18, and 19, excluding the Kashunuk River;
Secs. 20, 21, and 22, all;
Secs. 27 to 32, inclusive, all;
Sec. 33, excluding Native allotments F–14749 Parcel A, F–14742 Parcel A, F–14744 Parcel A and F–14701 Parcel B;
Sec. 34, all.
Containing approximately 10,318 acres.
T. 17 N., R. 87 W.
Sec. 1, all;
Secs. 12 to 15, inclusive, all;
Secs. 21 to 28, inclusive, all;
Sec. 36, all.
Containing approximately 8,960 acres.
T. 18 N., R. 87 W.
Sec. 36, all.
Containing approximately 640 acres.
T. 16 N., R. 88 W.
Sec. 1, all;
Secs. 12 and 13, excluding the Kashunuk River;
Sec. 24, excluding the Kashunuk River;
Sec. 25, all;
Sec. 26, excluding Native allotment F–14677 Parcel A and the Kashunuk River;
Secs. 35 and 36, all.
Containing approximately 3,830 acres.
T. 17 N., R. 90 W.
Sec. 27, that portion outside the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023, U.S. Survey 4034 (ANCSA Sec. 3(e) application AA–39573) and Ninglikfak River;
Sec. 28, that portion outside the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023;
Sec. 33, that portion outside the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023 and Ninglikfak River;
Sec. 34, that portion outside the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023 (including ANCSA Sec. 3(e) application AA–39574) and Ninglikfak River.
Containing approximately 695 acres.
Aggregating approximately 62,079 acres outside PLO's 2213 and 4584.
Total aggregated acreage, approximately 124,122 acres.

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 easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file F–14849–EE, is 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)).

(EIN 7 E) An easement for an existing access trail twenty-five (25) feet in width from Chevak westerly to trail EIN 7 E in the Hooper Bay selection. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of lands shall be subject to:

1. Issuance of a patent conforming the boundary description of the 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. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)) that (a) the portion of the above described lands which were within the boundaries of the Clarence Rhode National Wildlife Range on December 18, 1971, remains subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;

4. The following third-party interest, if valid, created and identified by the U.S. Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(g)):

Permit M–1 (as amended), granted to the State of Alaska, Department of Public Works, Division of Aviation, for the purpose of establishing, operating and maintaining the Chevak Airport in Secs. 22 and 27 of T. 17 N., R. 90 W., Seward Meridian (Unsurveyed).

5. 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.

Chevak Company is entitled to conveyance of 138,240 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date approximately 124,122 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 14,118 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO's 2213 and 4584 and which are reserved thereby as a national wildlife range, will be granted to Calista Corporation, at the same time conveyance is granted to Chevak Company for the surfact estate and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region.

Within the above-described lands, the following water bodies were estimated to be tidally influenced:

Kokechik River through the selection area;
Kwecharak River from its confluence with the Komoiarak Slough upstream to Sec. 12, T. 17 N., R. 91 W., Seward Meridain;
Kashunuk River through the main selection area and through the deficiency area to Nanvaranak Choa Lake;
Ukalikchik River up to and including the unnamed lake in Secs. 32 and 33, T. 18 N., R. 89 W.; Secs. 4, 5, and 6, T. 17 N., R. 89 W.; and Sec. 1, T. 17 N., R. 90 W., Seward Meridian; and
Issortulik Slough from its mouth and into Sec. 18, T. 15 N., R. 92 W., Seward Meridian.
Actual limits of tidal influence, for water bodies listed above and for any other water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

Within the above-described lands, the following water bodies are determined to be navigable due to present and historic uses in connection with travel in trade and commerce:

Ninglikfak River from its mouth upstream beyond the village of Chevak to its junction with the Kwecharak River in Sec. 4, T. 17 N., R. 90 W., Seward Meridian;
Kwecharak River from its confluence with the Komoiarak Sough upstream to Sec. 12, T. 17 N., R. 91 W., Seward Meridian;
Keoklevik River and its interconnecting sloughs from its mouth to its junction with the Kashunuk River;
Kokechik River and its interconnecting sloughs from its mouth to its junction with the Kashunuk River;
Kashunuk River and its interconnecting sloughs from its mouth through the selection area;
Ukalikchik River from its confluence with the Kashunuk River upstream and including the unnamed lake in Secs. 32 and 33, T. 18 N., R. 89 W.; Secs. 4, 5, and 6, T. 17 N., R. 89 W.; and Sec. 1, T. 17 N., R. 90 W., Seward Meridian;
Issortulik Slough from its mouth upstream and into Sec. 18, T. 15 N., R., 92 W., Seward Meridian; and
Kuttak River through the selection.
All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

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 October 30, 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 appeal. 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 are:

Chevak Company, Chevak, Alaska 99563.
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ann Johnson,
Chief, Branch of Adjudication.

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[AA-8489-A]

Alaska Native Claim Selection; Chickaloon Moose Creek Native Association, Inc.

This decision rescinds tentative approvals, rejects State selection applications, and approves certain lands in the vicinity of Chickaloon for conveyance to Chickaloon Moose Creek Native Association, Inc.

On December 17, 1974, Chickaloon Moose Creek Native Association, Inc., for the Native village of Chickaloon, filed selection application AA-8489-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 Chickaloon.

The village corporation selected lands which were withdrawn by Secs. 11(a)(1) and 11(a)(2) of ANCSA. Section 11(a)(2) specifically withdrew, subject to valid existing rights, all lands within the townships withdrawn by Sec. 11(a)(1) that had been selected by, or tentatively approved to, but not yet patented to the State of Alaska under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)).

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The following described lands which are State selected and were tentatively approved have been properly selected under village selection application AA-8489-A. Accordingly, the tentative approvals are hereby rescinded and the State selections identified below are rejected as to the following described lands:

State selection A-054942 filed on June 23, 1961, as amended, tentatively approved October 26, 1964, and April 30, 1969.

Seward Meridian, Alaska (Surveyed)

T. 18 N., R. 3 E.,
Sec. 18, lots 2, 3, and 4.
Containing 9.49 acres.

Seward Meridian, Alaska (Surveyed)

T. 18 N., R. 3 E. Those portions of the surveyed township more particularly described as (protracted):

Secs. 1 to 4, inclusive, all;
Secs. 9, 10, 16, and 17, all;
Sec. 18, excluding lots 1, 2, 3, and 4;
Sec. 19, all.
Containing approximately 6,359.98 acres.

State selection AA–2036 filed on August 17, 1967, as amended, tentatively approved May 26, 1969.

Seward Meridian, Alaska (Surveyed)

T. 19 N., R. 4 E., Those portions of Tract B more particularly described as (protracted):
Secs. 13 and 14, southerly of the south bank of the Matanuska River;
Secs. 20, 21, and 22, southerly of the south bank of the Matanuska River;
Secs. 23, 24, 27, and 28, all;
Sec. 29, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 30, southerly of the south bank of the Matanuska River;
Sec. 31, excluding U.S. Survey 5571;
Secs. 32 and 33, all.
Containing approximately 7,763.00 acres.
T. 19 N., R. 5 E. Those portions of Tract A more particularly described as (protracted):
Secs. 3, 4, 7, 8, and 9, southerly of the south bank of the Matanuska, River;
Secs. 16 to 20, inclusive, all.
Containing approximately 4,818.00 acres.

State selection A–052314 filed on June 22, 1960, as amended, tentatively approved June 16, 1969.

Seward Meridian, Alaska (Surveyed)

T. 20 N., R. 7 E.,
Sec. 19, lot 6.
Containing 18.07 acres.
Aggregating approximately 18,968.54 acres.

The following described lands, which are State selected, have been properly selected under village selection application AA–8489–A. Accordingly, the State selection applications identified below are rejected as to the following described lands:

State selection application AA–2036 filed on August 17, 1967, as amended.

Seward Meridian, Alaska (Surveyed)

T. 19 N., R. 3 E.,
Sec. 13, N¼NW¼;
Sec. 29, lot 1 and SW¼NW¼.
Containing 158.14 acres.

Seward Meridian, Alaska (Surveyed)

T. 19 N., R. 3 E. Those portions of Tract A more particularly described as (protracted):
Sec. 34, NE¼ excluding lots 1 and 2 of U.S. Survey 5570;
Sec. 35, W½SW¼ excluding lots 2 and 5 of U.S. Survey 5570.
Containing approximately 193.00 acres.
T. 19 N., R. 4 E. Those portions of Tract B more particularly described as (protracted):
Sec. 29, SE¼SW¼ and SW¼SE¼.
Containing approximately 80.00 acres.
Aggregating approximately 431.14 acres.

The following described lands, which are not validly State selected because of allowed entries or settlement claims then of record, have been properly selected under village selection application AA–8489–A. Accordingly, the State selection application identified below is rejected as to the following described lands:

State selection AA–2036 filed on August 17, 1967, as amended.
U.S. Survey No. 5570, Alaska, lot 4; situated approximately 1½ miles Southeasterly from Sutton, Alaska.
Containing 80.00 acres.

The State selections rejected above aggregate approximately 19,479.68 acres; however, 80 acres of State selection AA–2036 were not validly selected and will not be charged against the village corporation as State selected lands. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

The total amount of lands which have been properly selected by the State, including any selection applications previously rejected to permit conveyances to Chickaloon Moose Creek Native Assocation, Inc., is 19,399.68 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

On August 20, 1964, patent 50–65–0126 was issued for the following described lands therefore, these lands were not available for selection by Chickaloon Moose Creek Native Association, Inc.

In view of this, village selection application AA–8489–A is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Surveyed)

T. 18 N., R. 3 E.,
Sec. 18, lot 1.
Containing 0.13 acre.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alask 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 19,639.68 acres, is considered proper for acquisition by Chickaloon Moose Creek Native Association, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey No. 5570, Alaska, lot 4; situated approximately 1½ miles Southeasterly from Sutton, Alaska.
Containing 80.00 acres.

Seward Meridian, Alaska (Surveyed)

T. 18 N., R. 3 E.,
Sec. 18, lots 2, 3, and 4.
Containing 9.49 acres.
T. 19 N., R. 3 E.,
Sec. 13, N½NW¼;
Sec. 29, lot 1 and SW¼NW¼.
Containing 158.14 acres.
T. 20 N., R. 5 E.,
Sec. 30, SE¼SW¼, NE¼SE¼, and S½SE¼.
Containing 160.00 acres.
T. 20 N., R. 7 E.,
Sec. 19, lot 6.
Containing 18.07 acres.
Aggregating 425.70 acres.

Seward Meridian, Alaska (Surveyed)

T. 18 N., R. 3 E. Those portions of the surveyed township more particularly described as (protracted):
Secs. 1 to 4, inclusive, all;
Secs. 9, 10, 16, and 17, all;
Sec. 18, excluding lots 1, 2, 3 and 4;
Sec. 19, all.
Containing approximately 6,359.98 acres.
T. 19 N., R. 3 E. Those portions of Tract A more particularly described as (protracted):
Sec. 34, NE¼ excluding lots 1 and 2 of U.S. Survey 5570;
Sec. 35, W½SW¼ excluding lots 2 and 5 of U.S. Survey 5570.
Containing approximately 193.00 acres.
T. 19 N., R. 4. E. Those portions of Tract B more particularly described as (protracted):
Secs. 13 and 14, southerly of the south bank of the Matanuska River;
Secs. 20, 21, and 22, southerly of the south bank of the Matanuska River;
Secs. 23 and 24, all;
Secs. 27, 28, and 29, all;
Secs. 30, southerly of the south bank of the Matanuska River;
Sec. 31, excluding U.S. Survey 5571;
Secs. 32 and 33, all.
Containing approximately 7,843.00 acres.
T. 19 N., R. 5 E. Those portions of Tract A more particularly described as (protracted):
Secs. 3, 4, 7, 8, and 9, southerly of the south bank of the Matanuska River;
Secs. 16 to 20, inclusive, all.
Containing approximately 4,818.00 acres.
Aggregating approximately 19,213.98 acres.

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 casefile AA–8489–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 1a D9) An easement for an existing access trail, twenty-five (25) feet in width located on the right bank of Wolverine Creek, from Sec. 13, T. 18 N., R. 2 E., Seward Meridian, easterly through the selection. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 18d D9) An easement for an existing access trail, twenty-five (25) feet in width, from the Matanuska River in Sec. 7, T. 19 N., R. 5 E., Seward Meridian, southerly along the right bank of Carpenter Creek to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 33 C5) An easement fifty (50) feet in width for an existing road crossing lands converyed pursuant to ANCSA from Sec. 5, T. 18 N., R. 3 E., Seward Meridian northeasterly, thence southerly to public lands in Sec. 5, T. 18 N., R. 4 E., Seward Meridian. The uses allowed on this fifty (50) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, track vehicles and four-wheel drive vehicles, automobiles and trucks.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the 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. The following third-party interests, if valid, created and identified by the State of Alaska, as provided by Sec. 14(g) of ANCSA:

a. Grazing Leases
ADL 36587 located in Secs. 17 and 18, T. 18 N., R. 3 E., Seward Meridian, Alaska.
ADL 34018 located in Secs. 17, 18, 19, and 20, T. 18 N., R. 3 E., Seward Meridian, Alaska.

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.

Chickaloon Moose Creek Native Association, Inc., is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA, subject to reduction incurred by relinquishments made by the said corporation in the Lake Clark area as required by Sec. 12(a) of Public Law (Pub. L.) 94–204 (89 Stat. 1150; 43 U.S.C. 1611). Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 19,639.68 acres. The remaining entitlement 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 Cook Inlet Region, Inc., when the surface estate is conveyed to Chickaloon Moose Creek Native Association, Inc., and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above described lands.

In accordance with Departmental regulation 43 CFR 2650. 7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, 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 October 30, 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:

Chickaloon Moose Creek Native Association, Inc., 2600 Fairbanks Street, Anchorage, Alaska 99503.
Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-30316 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[F–19525–A and F–19525–B]

Alaska Native Claims Selections; Council Native Corp.

On November 8 and December 11, 1974, the Council Native Corporation, for the Native village of Council, filed selection applications F–19525–A and F–19525–B under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (ANCSA), for the surface estate of certain lands in the vicinity of Council.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications F–44480, F–44487 and F–44496, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Council area.

The following described lands have been properly selected by Council Native Corporation or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated* and *unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed) State Selection F–44480

That portion of Mineral Survey No. 426 known as Frisco—Virginia Bench—Diamond Fraction—Puzzler—Hawkeye Bench—

Ventura Bench and Sundown Placer Claims located within Secs. 13 and 24, T. 6 S., R. 25 W., Kateel River Meridian, in Council Mining District, District of Alaska.
Containing approximately 67 acres.
T. 6 S., R. 25 W.,
Sec. 13, excluding Mineral Survey 426, Mineral Survey 483 and Mineral Survey 484;
Sec. 24, excluding Mineral Survey 426;
Sec. 25, all;
Sec. 36, excluding Mineral Survey 1172.
Containing approximately 2,420 acres.

State Selection F-44487

That portion of Mineral Survey No. 1201, known as the Ophir Pay Association, Ophir Portage, and Elihu Association Placer Claims located within Sec. 4, T. 7 S., R. 25 W., Kateel River Meridian, in Council Mining District, Territory of Alaska.
Containing approximately 115 acres.
T. 7 S., R. 25 W.,
All.
Containing approximately 22,161 acres.

State Selection F-44496

T. 8 S., R. 25 W.,
Secs. 1, 2, 3 and 4, all;
Secs. 9, 10, 11 and 12, all.
Containing approximately 5,120 acres.
Aggregating approximately 30,045 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands. State selection F-44487 is rejected in its entirety and will be closed of record when this decision becomes final. Further action on the subject State selection applications, as to those lands not rejected herein, will be taken at a later date.

On December 12, 1973, Mrs. June Inez Pederson Kugelmann filed selection application F-19733 pursuant to Sec. 14(h)(5) of ANCSA. Subject application was rejected by a decision dated May 10, 1974 and was subsequently appealed. The Alaska Native Claims Appeal Board issued an Order of Remand on February 27, 1978, remanding the Sec. 14(h)(5) application to the Bureau of Land Management "with the instruction that the same be denied if in fact the lands in issue are statutorily conveyed to Council Native Corporation."

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 the lands encompassed in the subject Sec. 14(h)(5) application have been properly selected by and approved for conveyance to Council Native Corporation under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated. Therefore, Sec. 14(h)(5) application F-19733 must be and is hereby rejected in its entirety and the case file will be closed of record when this decision becomes final.

As to the lands described below, the applications submitted by the Council Native Corporation, as amended, are properly filed, and meet 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), aggregating approximately 66,265 acres, is considered proper for acquisition by the Council Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

That portion of Mineral Survey No. 426, known as Frisco—Virginia Bench—Diamond Fraction—Puzzler—Hawkeye Bench—Ventura Bench and Sundown Placer Claims located within Secs. 13 and 24, T. 6 S., R. 25 W., Kateel River Meridian, in Council Mining District, District of Alaska.
Containing approximately 67 acres.
That portion of Mineral Survey No. 1201, known as the Ophir Pay Association, Ophir Portage, and Elihu Association Placer Claims located within Sec. 4, T. 7 S., R. 25 W., Kateel River Meridian, in Council Mining District, Territory of Alaska.
Containing approximately 115 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 6 S., R. 23 W.,
Sec. 18, all.
Containing approximately 608 acres.
T. 7 S., R. 23 W.,
Sec. 29, excluding Native allotment F-17954 Parcel C and the Fish River;
Sec. 30, all;
Secs. 31 and 32, excluding the Fish River;
Containing approximately 2,407 acres.
T. 8 S., R. 23 W.,
Secs. 6 and 7, excluding the Fish River.
Containing approximately 1,115 acres.
T. 6 S., R. 24 W.,
Secs. 7 to 11, inclusive, all;
Secs. 13 to 20, inclusive, all;
Secs. 29, 30, 31 and 32, all.
Containing approximately 10,730 acres.
T. 7 S., R. 24 W.,
Secs. 5, 6, 7 and 8, all;
Secs. 16, 17 and 18, all;
Sec. 19, excluding the Niukluk River;
Secs. 20 and 21, all;
Secs. 25, 26, 27 and 28, all;
Secs. 29 and 30, excluding the Niukluk River;
Sec. 31, all;
Sec. 32, excluding Native allotment F-13770 Parcel C and the Niukluk River;
Sec. 33, excluding the Niukluk River;
Secs. 34, 35 and 36, all.
Containing approximately 13,695 acres.
T. 8 S., R. 24 W.,
Sec. 1, excluding the Niukluk and Fish Rivers;
Secs. 2, 3 and 4, excluding the Niukluk River;
Sec. 5, excluding Native allotment F-13770 Parcel C and the Niukluk River;
Secs. 6 to 10, inclusive, all;
Sec. 11, excluding Native allotments F-16501, F-18221 and the Niukluk River;
Sec. 12, excluding Native allotments F-13341, F-13382, F-16539 and the Niukluk and Fish Rivers;
Sec. 13, excluding Native allotment F-16504 and the Fish River;
Sec. 14, excluding Native allotments F-031220, F-031221 Parcel A and the Fish River;
Sec. 15, excluding Native allotment F-031221 Parcel A and the Fish River;
Sec. 16, all.
Containing approximately 8,800 acres.
T. 6 S., R. 25 W.,
Sec. 13, excluding Mineral Survey 426, Mineral Survey 483 and Mineral Survey 484;
Sec. 24, excluding Mineral Survey 426;
Sec. 25, all;
Sec. 36, excluding Mineral Survey 1172.
Containing approximately 2,420 acres.
T. 7 S., R. 25 W.,
Secs. 1 and 2, all;
Sec. 3, excluding Mineral Survey application F-23152;
Sec. 4, excluding Mineral Survey 657, Mineral Survey 1201, Mineral Survey application F-23152 and the Niukluk River;
Secs. 5, 6, 7 and 8, all;
Secs. 9 and 10, excluding Mineral Survey application F-23152 and the Niukluk River;
Sec. 11, excluding Mineral Survey 1152, Mineral Survey 2317, Native allotments F-1050 Parcel B, F-3376 Parcel C, F-17048, F-18180, F-19184 Parcels A and B and the Niukluk River;
Sec. 12, excluding Native allotment F-3376 Parcel C;
Sec. 13, excluding Mineral Survey 1152, Native allotment F-3376 Parcel C and the Niukluk River;
Sec. 14, excluding Mineral Survey 1152, Native allotments F-3376 Parcel C, F-17954 Parcel A and the Niukluk River;
Sec. 15, excluding the Niukluk River;
Secs. 16 to 22, inclusive, all;
Sec. 23, excluding Mineral Survey 1152;
Sec. 24, excluding Native allotments F-15272, F-15273 Parcel B and the Niukluk River;
Sec. 25, excluding the Niukluk River;
Secs. 26 to 36, inclusive, all.
Containing approximately 21,428 acres.
T. 8 S., R. 25 W.,
Secs. 1, 2 and 3, all;
Sec. 4, excluding Native allotment F-17954 Parcel B;
Sec. 9, excluding Native allotment F-18197;
Secs. 10, 11 and 12, all.
Containing approximately 4,880 acres.
Aggregating approximately 66,265 acres.

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–19525–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)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large, all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 1a C3, D1, L) An easement for an existing access trail twenty-five (25) feet in width from the village of Council northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 3 C3, D1, L) An easement twenty-six (26) feet in width for an existing road from Council northwesterly past the North Star Field to patented lands in Sec. 4, T. 7 S., R. 25 W., Kateel River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 8 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Council southeasterly to Golovin. 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.

d. (EIN 22 D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 11, T. 7 S., R. 25 W., Kateel River, Meridian, on the right bank of the Niukluk River at the end of the Nome-Council Road. The uses allowed are those listed above for a one (1) acre site.

e. (EIN 25 D9) A one (1) acre site easement upland of the ordinary high-water mark in Sec. 6, T. 8 S., R. 23 W., Kateel River Meridian, on the left bank of the Fish River. The uses allowed are those listed above for a one (1) acre site.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the 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, permitee 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–025175, located within Sec. 23, T. 7 S., R. 25 W., and Sec. 3, T. 8 S., R. 25 W., Kateel River Meridian, for a Federal Aid Highway. Act of August 27, 1958, (72 Stat. 885; 23 U.S.C. 317);

4. A right-of-way, F–20524, containing approximately 15 acres, located within Sec. 23, T. 7 S., R. 25 W., Kateel River Meridian, for a Federal Aid maintenance camp, stockpile site and rest area. Act of August 27, 1958, (72 Stat. 885; 23 U.S.C. 317);

5. A right-of-way, F–024913 Pit 11, containing approximately 10 acres, located within Sec. 3, T. 8 S., R. 25 W., Kateel River Meridian, for a Federal Aid material site. Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317);

6. Any right-of-way in Federal Aid Secondary (FAS) Route 1304 (Council-Ophir Creek) from Fas Route 130 (Nome-Council Road) at Council, northwesterly to Ophir Mining area, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) as to Tps. 6 and 7 S., R. 25 W., Kateel River Meridian;

7. Any right-of-way in Federal Aid Secondary (FAS) Route No. 130 from Nome FAA Airfield east through Nome and Solomon to FAS Route 1304 at Council, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaskan Omnibus Act, Pub. L. 86–70 (73 Stat. 141) as to Secs. 11, 14, 23, 26, 27 and 34, T. 7 S., R. 25 W., and Secs. 3, 9 and 10, T. 8 S., R. 25 W., Kateel River Meridian; and

8. 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.

Council Native Corporation is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 66,265 acres of this entitlement have been approved for conveyance. The remaining entitlement of 2,855 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Council Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water bodies, within the described lands, are considered to be navigable:

Niukluk River;
Fish River.

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 Nome Nugget. 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 October 30, 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 adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research & Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.
June Inez Pederson Kugelmann, P.O. Box 1122, Juneau, Alaska 99801.
Council Native Corporation, P.O. Box 665, Nome, Alaska 99762.
Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-30310 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[F-14865-A and F-14865-B]

Alaska Native Claims Selections; Deloycheet, Inc.

This decision rejects improper State selection applications and approves for conveyance certain lands in the vicinity of Holy Cross to Deloycheet, Inc.

On April 15, 1974, and November 22, 1974, Deloycheet, Inc., for the Native village of Holy Cross, filed selection applications F-14865-A and F-14865-B 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 Holy Cross.

On April 1, 1977, the State of Alaska filed general purposes selection applications AA-12879 and AA-12900, as amended, for all unpatented lands in T. 25 N., R. 58 W., and T. 23 N., R. 58 W., Seward Meridian, respectively, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)).

Section 6(b) of the Alaska Statehood Act states that general purposes selections shall be made from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection.

At the time of filing of the State's selection applications, the following lands were withdrawn by Sec. 11 of ANCSA, and properly selected pursuant to Sec. 12 of ANCSA by Deloycheet, Inc., for the Native village of Holy Cross.

Therefore, in view of the above, State selection applications AA-12879 and AA-12900 are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-12879

T. 25 N., R. 58 W.,
Sec. 7, excluding Native allotment F-16721 and the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 8, excluding Deer Hunting Slough and the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 9, excluding Deer Hunting Slough and the interconnecting slough of the Yukon River;
Secs. 10, 15, and 16, excluding the interconnecting sloughs of the Yukon River;
Secs. 17 to 20, inclusive, excluding Deer Hunting Slough;
Sec. 21, all;
Secs. 22 and 26, excluding the Koserefski River;
Sec. 27, excluding Native allotment F-17091, Deer Hunting Slough, and the Koserefski River;
Sec. 28, excluding Native allotment F-16563, Deer Hunting Slough, and the Koserefski River;
Sec. 29, excluding Deer Hunting Slough;
Sec. 30, all;
Sec. 31, excluding the Koserefski River;
Sec. 32, excluding Native allotment F-17092 and the Koserefski River;
Sec. 33, excluding Native allotments F-17092 and F-16563 and the Koserefski River;
Sec. 34, excluding native allotment F-17091 and the Koserefski River;
Secs. 35 and 36, all.

Containing approximately 12,122 acres.

State Selection AA-12900

T. 23 N., R. 58 W.,
Secs. 1 and 2, excluding Fat John Slough;
Sec. 3, excluding Big Bend Slough and Fat John Slough;
Secs. 4, 5, and 6, excluding Big Bend Slough;
Secs. 7, 8, and 9, all;
Sec. 10, excluding Big Bend Slough;
Secs. 11 and 12, all;
Secs. 17, 18, and 19, all.

Containing approximately 8,739 acres.
Aggregating approximately 20,861 acres.

The State-selected lands rejected above were not valid selections and will not be charged against the village corporation as State-selected lands. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

Deloycheet, Inc., in its applications, excluded several bodies of water. Because certain of those 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 the village corporation shall 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.

For these reasons, the water bodies which were improperly excluded in the applications of Deloycheet, Inc. are considered selected.

As to the lands described below, the applications, as amended, are properly filed and meet 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 120,473 acres, is considered proper for acquisition by Deloycheet, Inc. and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 23 N., R. 55 W.,
Sec. 2, excluding Reindeer Lake;
Sec. 3, excluding Native allotment F-18196 Parcel B and Reindeer Lake;
Secs. 4 and 5, excluding Reindeer Lake;
Secs. 6 and 7, excluding Paimiut Slough;
Sec. 8, all;
Secs. 9 and 10, excluding Reindeer Lake;
Secs. 15, 16, and 17, excluding unnamed lake (local name Steven's Lake);
Sec. 18, excluding Paimiut Slough, unnamed slough of Paimiut Slough, and unnamed lake (local name Steven's Lake);
Secs. 21 and 22, excluding unnamed lake (local name Steven's Lake).

Containing approximately 7,430 acres.

T. 24 N., R. 55 W.,
Sec. 13, all;
Sec. 19, excluding Reindeer Lake;
Sec. 20, excluding Native allotments F-17245 and F-17120 and Reindeer Lake;
Sec. 21, excluding Native allotment F-17120 and Reindeer Lake;
Sec. 24, excluding Native allotment F-16340 Parcel B and Reindeer River;
Sec. 25, excluding Reindeer River;
Sec. 28, excluding Native allotments F-18196 Parcel A, F-16620 Parcel B, and F-16600 Parcel B and Reindeer Lake;
Secs. 29 to 32, inclusive, excluding Reindeer Lake;
Sec. 33, excluding Native allotments F-16600 Parcel B and F-16336 Parcel A and Reindeer Lake;
Sec. 34, excluding Native allotment F-16334 and Reindeer Lake;
Sec. 35, excluding Reindeer Lake;
Sec. 36, all.

Containing approximately 4,947 acres.

T. 25 N., R. 55 W.,
Sec. 5, excluding unnamed lake;
Sec. 6, excluding unnamed lake and the Innoko River;

Sec. 7, excluding unnamed lake and the Innoko River and its interconnecting slough;
Sec. 8, excluding unnamed lake in NW¼, unnamed lake (local name Albert's Lake), and the interconnecting slough of the Innoko River;
Sec. 17, excluding unnamed lake (local name Albert's Lake), the interconnecting slough of the Innoko River and the unnamed slough connecting the unnamed lake (local name Albert's Lake) with the Innoko River;
Sec. 18, excluding the interconnecting slough of the Innoko River;
Sec. 19, excluding the unnamed slough from the Innoko River to Reindeer Lake and the Innoko River and its interconnecting slough;
Sec. 20, excluding the unnamed slough from the Innoko River to Reindeer Lake;
Sec. 21, all;
Sec. 28 and 29, excluding the unnamed slough from the Innoko River to Reindeer Lake;
Sec. 30, excluding the Innoko River and the unnamed slough from the Innoko River to Reindeer Lake;
Sec. 31, excluding the Innoko River and Paimiut Slough;
Sec. 32, excluding Paimiut Slough and the unnamed slough from the Innoko River to Reindeer Lake;
Sec. 33, excluding the unnamed slough from the Innoko River to Reindeer Lake.

Containing approximately 8,062 acres.

T. 23 N., R. 56 W.,
Sec. 1, excluding Paimiut Slough;
Secs. 2 and 3, all;
Secs. 4 and 5, excluding Innoko Slough;
Sec. 6, all;
Sec. 7, excluding Native allotment F–17086;
Sec. 8, excluding Innoko Slough;
Secs. 9 and 10, all;
Secs. 11 and 12, excluding Paimiut Slough.

Containing approximately 6,648 acres.

T. 24 N., R. 56 W.,
Sec. 4, excluding Paimiut Slough;
Secs. 5 and 6, excluding the Innoko River and Innoko Slough;
Secs. 7, 8, and 9, excluding Innoko Slough;
Sec. 16, all;
Secs. 17 to 21, inclusive, excluding Innoko Slough;
Secs. 22 and 23, excluding Paimiut Slough;
Sec. 24, excluding Reindeer Lake and Paimiut Slough;
Sec. 25, excluding Reindeer Lake, Paimiut Slough, and the unnamed outlet from Reindeer Lake to Paimiut Slough;
Sec. 26, excluding Paimiut Slough and the unnamed slough connecting Innoko Slough and Paimiut Slough;
Sec. 27, excluding the unnamed slough connecting Innoko Slough and Paimiut Slough;
Sec. 28, excluding Innoko Slough and the unnamed slough connecting Innoko Slough and Paimiut Slough;
Sec. 29, excluding Innoko Slough;
Secs. 30 and 31, all;
Sec. 32, excluding Innoko Slough;
Sec. 33, excluding Native allotment F–17084 and Innoko Slough;
Sec. 34, excluding Native allotment F–17084;
Sec. 35, excluding Paimiut Slough and the unnamed slough connecting Innoko Slough and Paimiut Slough;
Sec. 36, excluding Native allotment F–18351 Parcel B, Paimiut Slough, and the unnamed outlet from Reindeer Lake to Paimiut Slough.

Containing approximately 14,484 acres.

T. 25 N., R. 56 W.,
Sec. 19, all;
Secs. 20 and 21, excluding the interconnecting slough of the Innoko River;
Secs. 22 and 23, all;
Secs. 24, 25, and 26, excluding the Innoko River;
Sec. 27, excluding the Innoko River and its interconnecting slough;
Sec. 28, excluding the interconnecting slough of the Innoko River;
Secs. 29 and 30, all;
Sec. 31, excluding the Yukon River;
Sec. 32, all;
Secs. 33 and 34, excluding the Innoko River and its interconnecting slough;
Secs. 35 and 36, excluding Native allotment F–019218 Parcel B and the Innoko River.

Containing approximately 10,281 acres.

T. 23 N., R. 57 W.,
Secs. 1, 2, and 3, all;
Secs. 4 to 8, inclusive, excluding the Yukon River;
Secs. 9 to 12, inclusive, all.

Containing approximately 6,383 acres.

T. 24 N., R. 57 W.,
Sec. 1, excluding Native allotment F–18351 Parcel A and the Innoko River and its interconnecting slough;
Secs. 2 and 3, excluding the Innoko River;
Sec. 4, excluding the Innoko River, the Yukon River, and Walker Slough;
Sec. 5, excluding U.S. Survey 732, the Yukon River, and Walker Slough;
Sec. 6, excluding U.S. Survey 732;
Sec. 7, excluding U.S. Survey 732 and U.S. Survey 3796;
Sec. 8, excluding U.S. Survey 732, U.S. Survey 3796, the Yukon River, and Walker Slough;
Sec. 9, excluding the Yukon River and Walker Slough;
Sec. 10, all;
Sec. 11, excluding the Innoko River and Red Wing Slough;
Sec. 12, excluding Native allotment F–18351 Parcel D, Alaska Native Claims Settlement Act Sec. 3(e) application AA–25493, Red Wing Slough, and the Innoko River;
Sec. 13, excluding Native allotment F–17094 and Red Wing Slough;
Sec. 14, excluding Red Wing Slough;
Sec. 15, all;
Sec. 16, excluding the Yukon River;
Sec. 17, excluding the Yukon River and Walker Slough;
Sec. 18, excluding U.S. Survey 3796;
Sec. 19, all;
Sec. 20, excluding the Yukon River, Fat John Slough, and Walker Slough;
Sec. 21, excluding the Yukon River;
Sec. 22, all;
Secs. 23 and 24, excluding Red Wing Slough;
Sec. 25, all;
Secs. 26 and 27, excluding Red Wing Slough;
Sec. 28, excluding the Yukon River Red Wing Slough;
Sec. 29, excluding Yukon River, Walker Slough, and Fat John Slough;
Secs. 30 and 31, excluding Fat John Slough;
Sec. 32, excluding the Yukon River;
Sec. 33, excluding the Yukon River and Red Wing Slough;
Secs. 34, 35, and 36, all.

Containing approximately 15,428 acres.

T. 25 N., R. 57 W.
Sec. 19, excluding the Yukon River and its interconnecting Slough;
Sec. 20, excluding Native allotment F–17640, the Yukon River and its interconnecting slough;
Sec. 21, excluding Native allotment F–17640 and the Yukon River;
Sec. 22, excluding the Yukon River Horseshoe Lake, and the unnamed slough connecting Horseshoe Lake to the Yukon River;
Sec. 23, excluding Horseshoe Lake and the unnamed slough connecting Horseshoe Lake to the Yukon River;
Secs. 24, all;
Secs. 25 and 26, excluding the Yukon River;
Secs. 27, excluding the Yukon River and Walker Slough;
Secs. 28, 29, and 30, excluding the Yukon River;
Secs. 31 and 32, all;
Sec. 33, excluding Native allotment F–15024 Parcel B and the interconnecting slough of the Yukon River;
Sec. 34, excluding U.S. Survey 2282, Native allotments F–17085 Parcel B and F–15024 Parcel B and Walker Slough;
Sec. 35, excluding U.S. Survey 2223, the Yukon River, and Walker Slough;
Sec. 36, excluding the Yukon River and Walker Slough;

Containing approximately 7,709 acres.

T. 23 N., R. 58 W.
Secs. 1 and 2, excluding Fat John Slough;
Sec. 3, excluding Big Bend Slough; and Fat John Slough;
Secs. 4, 5, and 6, excluding Big Bend Slough;
Secs. 7, 8, and 9, all;
Secs. 10, excluding Big Bend Slough;
Secs. 11 and 12, all;
Secs. 17, 18, and 19, all.

Containing approximately 8,739 acres.

T. 24 N., R. 58 W.
Secs. 1 to 5, inclusive, all;
Secs. 11 to 14, inclusive, all;
Secs. 23 to 16, inclusive, all;
Sec. 33, all;
Secs. 34, 35, and 36, excluding Fat John Slough.

Containing approximately 10,880 acres.

T. 25 N., R. 58 W.
Sec. 7, excluding Native allotment F–16721 and the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 8, excluding Deer Hunting Slough and the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 9, excluding Deer Hunting slough and the interconnecting Slough of the Yukon River;

Secs. 10, 15, and 16, excluding interconnecting sloughs of the Yukon River;
Secs. 17 to 20, inclusive, excluding Deer Hunting Slough;
Sec. 21, all;
Secs. 22 and 26, excluding the Koserefski River;
Sec. 27, excluding Native allotment F–17091, Deer Hunting Slough, and the Koserefski River;
Sec. 28, excluding Native allotment F–16563, Deer Hunting Slough, and the Koserefski River;
Secs. 29, excluding Deer Hunting Slough;
Sec. 30, all;
Sec. 31, excluding the Koserefski River;
Sec. 32, excluding Native allotment F–17092 and the Koserefski River;
Sec. 33, excluding Native allotments F–17092 and F–16563 and the Koserefski River;
Sec. 34, excluding Native allotment F–17091 and the Koserefski River;
Secs. 35 and 36, all.

Containing approximately 12,122 acres.

T. 23 N., R. 59 W.,
Sec. 1, excluding Big Bend Slough and Crooked Lake;
Sec. 2, excluding Crooked Lake;
Sec. 3, all;
Sec. 10, excluding Crooked Lake;
Sec. 11, excluding Big Bend Slough and Crooked Lake;
Sec. 12, excluding Big Bend Slough;
Sec. 13, all;
Sec. 14, excluding Big Bend Slough;
Sec. 15 and 22, excluding Crooked Lake and unnamed lake;
Sec. 23, excluding Native allotment F–165564, Big Bend Slough, Crooked Lake, and unnamed lake;
Sec. 24, excluding Big Bend Slough;
Sec. 27, all;
Sec. 34, excluding Native allotments F–16619 and F–019218 Parcel A.

Containing approximately 7,360 acres.
Aggregating approximately 120,473 acres.

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–14865–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, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3, 000 lbs Gross Vehicle Weight (GVW)).

One Acre Site—The uses allowed on a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Holy Cross easterly to Reindeer Lake in Sec. 29, T. 24 N., R. 55 W., Seward Meridian. 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 use.

b. (EIN 4 D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 4 (Sec. 5 on protraction diagram), T. 24 N., R. 57 W., Seward Meridian, on the right bank of the Yukon River. The uses allowed are those listed above for a one (1) acre site.

c. (EIN 19 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 35, T. 24 N., R. 55 W., Seward Meridian, on the south shore of Reindeer Lake. The uses allowed are those listed above for a one (1) acre site.

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; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (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.

Deloycheet, Inc. is entitled to conveyance of 138,240 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 120,473 acres. The remaining entitlement of approximately 17,767 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 Doyon, Limited, when the surface estate is conveyed to Deloycheet, Inc., 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 Yukon River and its interconnecting sloughs;
Reindeer River;
the Innoko River and its interconnecting sloughs;
the Koserefski River;
Big Bend Slough;
Innoko Slough;
Deer Hunting Slough;
the unnamed slough connecting Deer Hunting Slough and the Yukon River;
the unnamed slough from the Innoko River to Reindeer Lake;
Fat John Slough;
Paimiut Slough;
Red Wing Slough;
Walker Slough;
the unnamed slough connecting Innoko Slough and Paimiut Slough;
Horseshoe Lake;
the unnamed slough connecting Horseshoe Lake to the Yukon River;
Reindeer Lake;
the unnamed outlet from Reindeer Lake to Paimiut Slough;
Crooked Lake;
the unnamed lake in Secs. 15, 16, 22, and 23, T. 23 N., R. 59 W., Seward Meridian;
the unnamed lake in Secs. 5 through 8, T. 25 N., R. 55 W., Seward Meridian;
the unnamed lake in Secs. 8, 9, 15, 16, and 17, T. 25 N., R. 55 W., Seward Meridian (locally known as Albert's Lake);
the unnamed slough connecting the unnamed lake (locally known as Albert's Lake) with the Innoko River;
the unnamed lake in Secs. 15, 16, 17, 18, 20, 21, 22, and 27, T. 23 N., R. 55 W., Seward Meridian (locally known as Steven's Lake);
the unnamed slough of Paimiut Slough beginning in Sec. 19, T. 23 N., R. 55 W., which flows southerly to its rejunction with Paimiut Slough in Sec. 31, T. 23 N., R 55 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 Anchorage Times. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native

Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 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 October 30, 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:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Deloycheet, Inc., P.O. Box 53, Holy Cross, Alaska 99602.

Doyon, limited, First and Hall Streets, Fairbanks, Alaska 99701.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-30317 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-8103-6]

Alaska Native Claims Selection; Doyon, Ltd.

This decision approves for conveyance certain lands in the vicinity of Holy Cross, Alaska to Doyon, Limited.

On April 3, 1975, Doyon, Limited filed selection application AA-8103-6, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Holy Cross. The application excluded several water bodies as being navigable. As these are considered nonnavigable and as Sec. 12(c)(3) and 43 CFR 2652.3(c) require the region to select all available lands within the township, the beds of these water bodies are considered selected.

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 and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 149,298 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 23 N., R. 55 W.
- Sec. 1, excluding Reindeer Lake;
- Secs. 11 to 14, inclusive, all;
- Secs. 23 to 26, inclusive, all;
- Sec. 27, excluding unnamed lake (local name Steven's Lake);
- Sec. 28, all;
- Secs. 29 to 32, inclusive, excluding unnamed slough of Paimiut Slough;
- Secs. 33 to 36, inclusive, all.

Containing approximately 11,472 acres.

T. 25 N., R. 55 W.
- Secs. 1 to 4, inclusive, all;
- Sec. 9, excluding unnamed lake (local name Albert's Lake);
- Secs. 10 to 14, inclusive, all;
- Secs. 15 and 16, excluding unnamed lake (local name Albert's Lake);
- Secs. 22 to 27, inclusive, all;
- Secs. 34, 35 and 36, all.

Containing approximately 13,440 acres.

T. 22 N., R. 56 W.
- Secs. 1 to 4, inclusive, excluding Paimiut Slough;
- Sec. 5, all;
- Sec. 6, excluding Innoko Slough;
- Sec. 7, excluding Innoko Slough and Paimiut Sough;
- Secs. 8 and 9, excluding Paimiut Slough;
- Secs. 10 to 36, inclusive, all.

Containing approximately 22,116 acres.

T. 24 N., R. 56 W.
- Secs. 1 and 2, excluding the unnamed slough from the Innoko River to Reindeer Lake;
- Secs. 3, 10 and 11, excluding Paimiut Slough;
- Sec. 12, excluding the unnamed slough from the Innoko River to Reindeer Lake;
- Sec. 13, all;
- Sec. 14, excluding Native allotment F-17432 Parcel B and Paimiut Slough;
- Sec. 15, excluding Paimiut Slough.

Containing approximately 4,980 acres.

T. 26 N., R. 56 W.
- Secs. 1 to 9, inclusive, all;
- Secs. 10 and 11, excluding the interconnecting slough of the Innoko River;
- Secs. 12 and 13, all;
- Secs. 14, 15, and 16, excluding the interconnecting slough of the Innoko River;
- Secs. 17 and 18, all;
- Sec. 19, excluding Native allotment F-17425 and the interconnecting slough of the Innoko River;
- Sec. 20, all;
- Sec. 21, excluding the interconnecting slough of the Innoko River;
- Sec. 22, excluding Native allotment F-16340 Parcel A and the interconnecting slough of the Innoko River;
- Sec. 23, excluding the interconnecting slough of the Innoko River;
- Sec. 24, all;
- Secs. 25 and 26, excluding the interconnecting slough of the Innoko River;
- Sec. 27, excluding Native allotment F-16340 Parcel A and the interconnecting slough of the Innoko River;
- Secs. 28 to 33, inclusive, excluding the interconnecting sloughs of the Innoko River;
- Secs. 34 and 35, all;
- Sec. 36, excluding the Innoko River and its interconnecting slough.

Containing approximately 21,901 acres.

T. 23 N., R. 57 W.
- Secs. 13 to 16, inclusive, all;
- Secs. 17 and 18, excluding the Yukon River;
- Secs. 19 to 35, inclusive, all;
- Secs. 36, excluding Innoko Slough.

Containing approximately 14,764 acres.

T. 25 N., R. 57 W.
- Sec. 1, excluding the interconnecting slough of the Innoko River;
- Sec. 2, excluding Native allotment F-14177, the interconnecting slough of the Innoko River, Horseshoe Lake, and the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;
- Sec. 3, excluding Horseshoe Lake and the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;
- Sec. 4, excluding Native allotment F-16565 Parcel A and the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;
- Sec. 5, excluding the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;
- Secs. 6 and 7, all;
- Secs. 8 and 9, excluding Horseshoe Lake and the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;
- Secs. 10 and 11, excluding Horseshoe Lake;
- Secs. 12 and 13, all;
- Secs. 14 and 17, inclusive, excluding Horseshoe Lake;
- Sec. 18, excluding the interconnecting slough of the Yukon River.

Containing approximately 9,501 acres.

T. 22 N., R. 58 W.
- Secs. 1, 2, and 3, all;
- Sec. 4, excluding Cottonwood Slough;
- Secs. 5 to 8, inclusive, all;
- Sec. 9, excluding Cottonwood Slough;
- Secs. 10 to 15, inclusive, all;

Secs. 16, 17, and 18, excluding Cottonwood Slough;
Secs. 19 to 23, inclusive, all;
Secs. 24 and 25, excluding Paimiut Slough;
Secs. 26 to 31, inclusive, all;
Secs. 32 to 36, excluding Paimiut Slough;
Containing approximately 22,182 acres.
T. 24 N., R. 58 W.
Sec. 18, all;
Sec. 19, excluding Native allotments F-17089 and F-17930 Parcel B.
Containing approximately 1,139 acres.
T. 26 N., R. 58 W.
Secs. 1 and 2, excluding the Yukon River and its interconnecting slogh;
Sec. 3, excluding the Yukon River and Deer Hunting Slough;
Sec. 4, excluding Deer Hunting Slough, the Yukon River, and the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 5, excluding the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 6, all;
Secs. 7 and 8, excluding the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 9, excluding Deer Hunting Slough;
Sec. 10, excluding Deer Hunting Slough, the Yukon River, and its interconnecting slough;
Secs. 11 to 14, inclusive, excluding the Yukon River and its interconnecting slough;
Secs. 15 and 16, excluding Deer Hunting Slough and the interconnecting sloughs of the Yukon River;
Sec. 17, all;
Secs. 18 and 19, excluding the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 20, all;
Sec. 21, excluding Deer Hunting Slough and the interconnecting sloughs of the Yukon River;
Sec. 22, all;
Secs. 23 to 26, inclusive, excluding the Yukon River;
Sec. 27, all;
Sec. 28, excluding Deer Hunting Slough;
Secs. 29, 30, and 31, all;
Secs. 32 and 33, excluding Deer Hunting Slough;
Sec. 34, all;
Sec. 35, excluding the Yukon River;
Sec. 36, excluding Native allotments F-17446 and F-17747 and the Yukon River.
Containing approximately 16,471 acres.
T. 23 N., R. 59 W.
Secs. 4 to 9, inclusive, all;
Sec. 16, excluding unnamed lake;
Secs. 17 to 21, inclusive, all;
Secs. 28 to 33, inclusive, all;
Containing approximately 11,332 acres.
Aggregating approximately 149,298 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation 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)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-16630-6, 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 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Holy Cross to Reindeer Lake in Sec. 29, T. 24 N., R. 55 W., Seward Meridian. 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 use only.

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; 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 (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.

To date, approximately 2,473,509 acres of land, selected pursuant to Sec. 12(c) of the Alaskan Native Claims Settlement Act, have been approved for conveyance to Doyan, Limited.

Within the above described lands, only the following inland water bodies are considered to be navigable:

The Yukon River and its interconnecting sloughs;
the Innoko River and its interconnecting sloughs;
Deer Hunting Slough;
the unnamed slough connecting Deer Hunting Slough and Yukon River;
Cottonwood Slough;
Paimiut Slough;
Innoko Slough;
Horseshoe Lake;
the unnamed slough connecting Horseshoe Lake to the interconnecting slough of Innoko River;
Reindeer Lake;
the unnamed slough from the Innoko River to Reindeer Lake;
the unnamed slough of Paimiut Slough beginning in Sec. 19, T. 23 N., R. 55 W., which flows southerly to its rejunction with Paimiut Slough in Sec. 31, T. 23 N., R. 55 W., Seward Meridian;
the unnamed lake in Secs. 15, 16, 17, 18, 20, 21 22, and 27, T. 23 N., R. 55 W., Seward Meridian (locally known as Steven's Lake);
the unnamed lake in Secs. 8, 9, 15, 16, and 17, T. 25 N., R. 55 W., Seward Meridian (locally known as Albert's Lake);
the unnamed lake in Secs. 15, 16, 22, and 23, T. 23 N., R. 59 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 Anchorage Times. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 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 October 30, 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: Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 80-30309 Filed 9-29-80; 8:45 am]
BILLING CODE 4310-84-M

[AA-8103-5]

Alaska Native Claims Selection; Doyan Ltd.

On April 2, 1975, Doyon, Limited filed selection application AA-8103-5, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1610, 1611(c) (1976)) (ANCSA), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Anvik.

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 and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 121,954 acres, are considered proper for acquisition by Doyon, Limited and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA:

The following described lands are approved for patent:

Seward Meridian, Alaska

T. 29 N., R. 57 W.
Secs. 1 to 36, inclusive.
Containing 23,006.40 acres.
T. 31 N., R. 57 W.
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, and secs. 21 to 24, inclusive;
Sec. 26, lots 1 and 2;
Sec. 27, lot 2;
Sec. 34, lots 1 and 3;
Sec. 35, lots 1, 2, and 3.
Containing 11,542 acres.
T. 28 N., R. 58 W.
Sec. 1;
Sec. 2, lots 1 to 4, inclusive;
Sec. 3, lots 1 to 6, inclusive;
Sec. 4, lots 1, 2, and 3;
Sec. 9;
Sec. 10, lots 1 and 2;
Sec. 11, lots 1, 2, and 3;
Secs. 12 and 13;
Sec. 14, lots 1, 2, and 3;
Secs. 15, 16, 21, and 22;
Sec. 23, lots 1, 2, and 3;
Sec. 24, lots 1, 2, and 3;
Sec. 25, lots 1 and 2;
Secs. 26, 27, 28, and secs. 33 to 36, inclusive.
Containing 15,360 acres.
T. 29 N., R. 59 W.
Secs. 7 to 12, inclusive, secs. 16 to 21, inclusive, secs. 24 and 25, and secs. 28 to 33, inclusive.
Containing 12,776.67 acres.
T. 28 N., R. 60 W.
Secs. 3 to 7, inclusive;
Sec. 8, lots 1, 2, and 3;
Sec. 9;
Sec. 10, lots 1 and 3;
Sec. 15, lots 1, 3, and 5;
Sec. 16, lots 1 and 3;
Sec. 17, lots 1 to 4, inclusive, and lot 6;
Sec. 18, lots 1 and 3;
Sec. 19, lots 1 and 3;
Sec. 20, lots 1, 2, and 4;
Sec. 21, lots 1 and 3;
Sec. 22, lots 2 and 3;
Sec. 23, lot 1;
Secs. 24 to 29, inclusive;
Sec. 30, lot 3;
Secs. 31 to 35, inclusive,
Sec. 36, lots 1 to 6, inclusive.
Containing 17,939.44 acres.
T. 30 N., R. 60 W.
Secs. 1, 2, 3, 10, 11, 12, 18, 19, and secs. 29 to 32, inclusive.
Containing 7,620.27 acres.
Aggregating 88,244.78 acres.

The following described lands are approved for interim conveyance:

Seward Meridian, Alaska (Surveyed)

T. 31 N., R. 57 W.
Sec. 25, lots 1, 2, and 3;
Sec. 27, lot 1, excluding Native allotment F-13798;
Sec. 28, all;
Sec. 33, all;
Sec. 34, lot 2;
Sec. 36, lots 1 and 2.
Containing approximately 3,658 acres.
T. 29 N., R. 59 W.
Sec. 13, excluding Native allotment F-13884 and unnamed slough connecting Bonasila River and Deadman's Slough;
Secs. 14 and 15, excluding unnamed slough connecting Bonasila River and Deadman's Slough;
Secs. 22 and 23, excluding unnamed slough connecting Bonasila River and Deadman's Slough;
Secs. 26 and 27, excluding unnamed slough connecting Bonasila River and Deadman's Slough;
Secs. 34 and 35, excluding unnamed slough connecting Bonasila River and Deadman's Slough.
Containing approximately 5,730 acres.
T. 28 N., R. 60 W.
Sec. Sec. 30, lot 1, excluding Native allotment F-15003.
Containing approximately 466 acres.
T. 30 N., R. 60 W.
Sec. 4, lot 1;
Sec. 20, all.
Containing approximately 1,278 acres.
T. 31 N., R. 59 W.
Secs. 1 to 34, inclusive, all;
Sec. 35, excluding Native allotment F-17138;
Sec. 36, excluding Native allotments F-8855 Parcel B, F-13891, F-15244 Parcel A, and F-17138.
Containing approximately 22,577 acres.
Aggregating approximately 33,709 acres.
Total aggregated acreage, approximately 121,954 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)), 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 AA-16630-5, 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 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 14 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 31 N., R. 60 W., Seward Meridian, southeasterly to Sec. 6, T. 30 N., R. 59 W., Seward Meridian. 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 use.

b. (EIN 15 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 32 N., R. 59 W., Seward Meridian, southeasterly to Sec. 6, T. 31 N., R. 58 W., Seward Meridian. 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 use.

c. (EIN 19 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 30 N., R. 57 W., Seward Meridain, southeasterly to Sec. 1, T. 29 N., R. 56 W., Seward Meridian. 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 use.

d. (EIN 23 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 32 N., R. 59 W., Seward Meridian, southwesterly to Sec. 1, T. 31 N., R. 60 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

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; 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 (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.

To date 2,595,463 acres of land, selected pursuant to Sec. 12(c) of ANCSA, have been approved for conveyance to Doyon, Limited.

Within the above-described lands, only the following inland water bodies are considered to be navigable:

The Yukon River;
The Anvik River;
The Bonasila River;
Bonasila Slough; and
Unnamed slough connecting the Bonasila River and Deadman's Slough, which begins in Sec. 1, T. 28 N., R. 60 W., Seward Meridian, and flows northerly to Deadman's Slough in Sec. 18, T. 29 N., R. 58 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 Times. Any party claiming a property interest in lands, affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, 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 October 30, 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:

Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 80-30312 Filed 9-29-80; 8:45 am]
BILLING CODE 4310-84-M

[F-19573-A and F-19573-B

Alaska Native Claims Selections; King Island Native Corp.

On August 15 and December 11, 1974, King Island Native Corporation, for the Native village of King Island filed selection applications F-19573-A and F-19573-B under the provisions 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 King Island.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications F-44509, F-44526, F-44527, F-44545, and F-44546, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the King Island area.

The following described lands have been properly selected by King Island Native Corporation or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select vacant, unappropriated, and unreserved public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

State Selection F-44509

T. 8 S., R. 38 W.
Secs. 1, 2, and 3, all;
Secs. 4 and 5 (fractional), all;
Secs. 7, 8, and 9 (fractional), all;
Secs. 10 to 17, inclusive, all;
Sec. 18 (fractional), all;
Secs. 19 to 36, inclusive, all.
Containing approximately 20,509 acres.

State Selection F-44526

T. 9 S., R. 38 W.
Secs. 21, 23, and 24, all;
Secs. 25 to 36, inclusive, all.
Containing approximately 9,525 acres.

State Selection F-44527

T. 9 S., R. 39 W.
Secs. 1, 2, and 3, all;
Secs. 4, 9, and 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Secs. 15 and 22 (fractional), all;
Secs. 23, 24, and 25, all;
Secs. 26, 27, and 35 (fractional), all;
Sec. 36, all.
Containing approximately 9,450 acres.

State Selection F-44545

T. 10 S., R. 37 W.
Secs. 26 to 30, inclusive, all;
Secs. 31 and 32 (fractional), all;
Secs. 33 to 36, inclusive, all.
Containing approximately 6,853 acres.
T. 11 S., R. 37 W.
Secs. 1 to 5 (fractional), inclusive, all;
Sec. 12 (fractional), all.
Containing approximately 1,565 acres.

State Selection F-44546

T. 10 S., R. 38 W.
Secs. 1 to 6, all;
Sec. 7 (fractional), all;
Secs. 8 to 16, inclusive, all;
Secs. 17, 18, 20, and 21 (fractional), all;
Secs. 22 to 25, inclusive, all;
Sec. 26, excluding the Sinuk River;
Sec. 27, (fractional), excluding the Sinuk River;
Secs. 28, 34, 35, and 36 (fractional), all;
Containing approximately 15,547 acres.
T. 10 S., R. 39 W.
Secs. 1, 2, and 12 (fractional), all.
Containing approximately 960 acres.
Aggregating approximately 64,408 acres.

Further action on the above State selection applications F-44509, F-44526, and F-44545, as to those lands not rejected herein, will be taken at a later date. State selection applications F-44527 and F-44546 are hereby rejected in their entirety and the case files will be closed of record when this decision becomes final. The State selected lands rejected above were not valid selections and will not be charged against the village corporation as state selected lands.

Executive Order No. 5289 dated March 4, 1930, withdrew tracts of land upon which the Office of Education has erected school buildings, not to exceed forty (40) acres (the King Island tract is now U.S. Survey 2032, containing 1.26 acres), for use of the Office of Education for which jurisdiction was subsequently transferred to the Bureau of Indian Affairs (BIA). On September 22, 1980, BIA informed the Bureau of Land Management that this parcel was no longer required and withdrew their application under Sec. 3(e) of ANCSA which states:

"Public lands means all Federal lands and interest therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installations."

Therefore, these lands are considered available public lands; they are properly selected by King Island Native Corporation and are included in this conveyance document.

As to the lands described below, the applications submitted by King Island Native Corporation, as amended, are properly filed, and meet 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 95,111 acres, is considered proper for acquisition by King Island Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey 2032, situated on King Island, Bering Sea, Alaska. Containing 1.26 acres.

Kateel River Meridian, Alaska (Surveyed)

T. 5 S., R. 40 W.
Sec. 23, Lots 1 and 2, all;
Sec. 24, Lots 1, 2, and 3, all;
Sec. 25, lot 1, all;
Sec. 36, lots 1 and 2, all.
Containing 1,402 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 10 S., R. 37 W.
Secs. 26 to 30, inclusive, all;
Secs. 31 and 32 (fractional), all;
Secs. 33 to 36, inclusive, all.
Containing approximately 6,853 acres.
T. 11 S., R. 37 W.
Secs. 1 to 5 (fractional), inclusive, all;
Sec. 12 (fractional), all.
Containing approximately 1,565 acres.
T. 6 S., R. 38 W.
Sec. 19, all;
Secs. 23 to 26, inclusive, all;
Sec. 30, all;
Sec. 31 (fractional), all;
Secs. 32 to 36, inclusive, all.
Containing approximately 7,591 acres.
T. 7 S., R. 38 W.
Secs. 1 to 4, inclusive, all;
Secs. 5, 6, and 7 (fractional), all;
Sec. 8 (fractional), excluding the Tisuk River;
Secs. 9 to 15, inclusive, all;
Sec. 16 (fractional), all;
Sec. 17 (fractional), excluding the Tisuk River;
Sec. 20 (fractional), excluding Native allotments F-15711;
Sec. 21 (fractional), excluding Native allotment F-15711 and F-15743;
Sec. 22 to 26, inclusive, all;
Sec. 27, excluding Native allotments F-15731, F-15733, F-15738 and F-15863 Parcel B;
Sec. 28 (fractional), excluding Native allotments F-15739, F-15744, F-15751 and the Feather River;
Sec. 29 (fractional), excluding Native allotments F-15744 and F-15751;
Sec. 32 (fractional), all;
Sec. 33 (fractional), excluding Native allotments F-15710 and F-15719;
Sec. 34, excluding Native allotments F-15713, F-15727 and F-15863 Parcel A;
Secs. 35 and 36, all.
Containing approximately 14,411 acres.
T. 8 S., R. 38 W.
Secs. 1 and 2, all;
Sec. 3, excluding Native allotments F-15728 and F-15740;
Sec. 4 (fractional), excluding Native allotments F-15718 and F-15750;
Sec. 5 (fractional), excluding Native allotment F-15726 Parcel A;
Sec. 7 (fractional), excluding Native allotment F-15753;
Sec. 8 (fractional), excluding Native allotment F-15730;
Sec. 9 (fractional), excluding Native allotments F-15745, F-15746 and F-15748;
Sec. 10, excluding Native allotments F-15724 and F-15749;
Secs. 11 to 15, inclusive, all;
Sec. 16, excluding Native allotments F-15715 and F-15860;
Sec. 18 (fractional), excluding Native allotments F-15725, F-15747 and F-15753;
Sec. 20, excluding Native allotments F-15722 and F-15732;
Secs. 21 to 29, inclusive, all;
Sec. 30, excluding Native allotments F-15720 and F-15862;
Sec. 31, excluding Native allotments F-15712 and F-15726 Parcel B;
Secs. 32 to 36, inclusive, all.
Containing approximately 16,070 acres.
T. 9 S., R. 38 W.
Secs. 21, 23, and 24, all;
Secs. 25 to 36, inclusive, all.
Containing approximately 9,524 acres.
T. 10 S., R. 38 W.
Secs. 1 to 6, all;
Sec. 7 (fractional), all;
Secs. 8 to 16, inclusive, all;
Secs. 17, 18, 20, and 21 (fractional), all;
Secs. 22 to 25, inclusive, all;
Sec. 26, excluding the Sinuk River;
Sec. 27 (fractional), excluding Native allotment F-12292 Parcel B and the Sinuk River;
Secs. 28, 34, 35, and 36 (fractional), all.
Containing approximately 15,537 acres.
T. 6 S., R. 39 W.
Sec. 6, all;
Sec. 7 (fractional), all;
Sec. 8, all;
Secs. 13 to 16, inclusive, all;
Secs. 17 and 18 (fractional), all;
Secs. 20 to 23 (fractional), inclusive, all;
Sec. 24, all;
Secs. 25, 26, and 27 (fractional), all;
Secs. 35 and 36 (fractional), all.
Containing approximately 8,345 acres.
T. 7 S., R. 39 W.
Sec. 1 (fractional), all.
Containing approximately 45 acres.
T. 9 S., R. 39 W.
Secs. 1, 2, and 3, all;
Secs. 4, 9, and 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Secs. 15 and 22 (fractional), all;
Secs. 23, 24, and 25, all;
Secs. 26, 27, and 35 (fractional), all;
Sec. 36, all.
Containing approximately 9,450 acres.
T. 10 S., R. 39 W.
Secs. 1 and 2 (fractional), all;
Sec. 12 (fractional), excluding ANCSA Sec. 3(e) application F-23129.
Containing approximately 960 acres.
T. 6 S., R. 40 W.
Secs. 1, 2, and 12 (fractional), all.
Containing approximately 760 acres.
T. 6 S., R. 46 W.
Secs. 7, 8 and 9 (fractional), all;
Secs. 16, 17, and 18 (fractional), all;
Sec. 19 (fractional), excluding U.S. Survey 2032.
Containing approximately 2,327 acres.
T. 6 S., R. 47 W.
Secs. 12, 13, and 24 (fractional), all.
Containing approximately 270 acres.
Aggregating approximately 95,111 acres.

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-19573-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)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 3 C3, D1) An easement for an existing access road sixty (60) feet in width from the mean high-tide line of Woolley Lagoon in Sec. 29, T. 7 S., R. 38 W., Kateel River Meridian, easterly generally paralleling Crete Creek to the Nome-Teller Road in Sec. 15, T. 7 S., R. 37 W., Kateel River Meridian. Uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 3a C5) A one (1) acre site easement upland of the main high-tide line in Sec. 29, T. 7 S., R. 38 W., Kateel River Meridian, on the east shore of Woolley Lagoon at the west terminus of road EIN 3 C3, D1. The uses allowed for the site easement are: vehicle parking (e.g. aircraft, boats, ATV's, snowmobiles, cars, trucks) and loading or unloading. Loading or unloading shall be limited to 24 hours.

c. (EIN 4 C3 D1) An easement for an existing access trail twenty-five (25) feet in width from Sec. 7, T. 11 S., R. 36 W., Kateel River Meridian, northwesterly along the coast of the Bering Sea to Sec. 19, T. 5 S., R. 39 W., Kateel River Meridian. 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.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the 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; and

3. 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.

King Island Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. To date approximately 95,111 acres of this entitlement have been approved for conveyance. The remaining entitlement of approximately 20,089 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 granted to Bering Straits Native Corporation when conveyance is granted to King Island Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies within the described lands considered to be navigable.

Tidal Influence

Woolley Lagoon was determined to be tidally influenced.

The Feather River is tidally influenced from its mouth up river approximately one-quarter of a mile to the middle of Sec. 28, T. 7 S., R. 38 W., Kateel River Meridian.

The Sinuk River (Sinrock River) is tidally influenced from its mouth upriver to the north section line of Sec. 26, T. 10 S., R. 38 W., Kateel River Meridian.

The Tisuk River (Tishou River) is tidally influenced from its mouth upriver to the east section line of Sec. 8, T. 7 S., R. 38 W., Kateel River 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 NOME NUGGET. 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, Anchroage, 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 October 30, 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 adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

King Island Native Corporation, P.O. Box 992, Nome, Alaska 99762.

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-30445 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[F-14875-A]

Alaska Native Claims Selection; Kugkaktlik Ltd.

This decision rejects improperly filed Sec. 14(h)(1) selection applications, approves lands selected pursuant to Sec. 12(a) in the area of Kipnuk for conveyance to Kugkaktlik Limited, and rejects a Sec. 12(b) selection to the extent that it conflicts with lands herein approved for conveyance under Sec. 12(a).

I. Section 14(h)(1) Applications Refected in Entirety

Calista Corporation filed selection applications 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 authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since the lands encompassed in the subject Sec. 14(h)(1) applications had been properly selected by Kugkaktlik 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)

Date of application, serial No., and Land description

06/02/1976, AA-11441, N½NW¼NE¼, Sec. 7, T. 4 S., R. 86 W., S.M. Approximately 20 acres.

06/02/1976, AA-11445, SW¼SW¼NW¼NE¼, Sec. 28, T. 4 S., R. 85 W., S.M. Approximately 2½ acres.

06/04/1976, AA—11593, Fractional SW¼NW¼NE¼, Fractional NW¼SW¼SE¼, Sec. 34, T. 2 S., R. 85 W., S.M. Approximately 17 acres.

When this decision becomes final, these applications will be closed of record.

II. Section 12(b) Application Rejected in Part; Lands Proper for Village Selection, Approved for Interim Conveyance

On November 20, 1974, Kugkaktlik Limited, for the Native village of Kipnuk, filed selection application F-14875-A under the provisions of Sec. 12(a) 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 located in the vicinity of Kipnuk.

Kugkaktlik Limited, in its November 20, 1974 application excluded several bodies of water. Because certain of those 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 excluded other lands available for selection within its exterior boundaries. For these reasons, the water bodies which were improperly excluded in the November 20, 1974 application are considered selected by Kugkaktlik Limited.

On December 12, 1975, Kugkaktlik Limited filed selection application F-14875-A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selection overrides the Sec. 12(b) selection. Therefore, application F-14875-A2 is hereby rejected as to lands herein approved for conveyance.

As to the lands described below, the Sec. 12(a) application is properly filed, and meets the requirement 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 105,838 acres, is considered proper for acquisition by Kugkaktlik Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

Seward Meridian, Alaska (Unsurveyed)

Sec. 19, all;
Sec. 20, excluding Native allotment F-17998;
Secs. 21, 22, and 23, all;
Sec. 24, excluding Native allotments F-16911 Parcel B, F-17997 Parcel A and Kuguklik River;
Sec. 25, excluding Native allotments F-16995 Parcel B, F-17996 Parcel B, and Kuguklik River;
Sec. 26, excluding Native allotments F-17987 Parcel A, F-18727 Parcel D, F-17909 Parcel C and Kuguklik River;
Sec. 27, excluding Native allotment F-17988 Parcel A and Kuguklik River;
Sec. 28, excluding Kuguklik River and its interconnecting slough;
Sec. 29, excluding Native allotments F-17992 Parcel A, F-17998, Kuguklik River and its interconnecting slough;
Sec. 30, excluding Kuguklik River;
Sec. 31, all;
Sec. 32, excluding Kuguklik River and its interconnecting slough;
Sec. 33, excluding Native allotments F-17900 Parcel A, F-18093 Parcel B, Kuguklik River and its interconnecting slough;
Sec. 34, excluding Native allotments F-17900 Parcel A, F-17988 Parcel A and Kuguklik River;
Secs. 35 and 36, all.
Containing approximately 9,858 acres.

T. 4 S., R. 84 W.,
Secs. 5 to 8, inclusive, all;
Secs. 17 to 20, inclusive, all;
Secs. 29 and 30, all;
Secs. 31 and 32 (fractional), all.
Containing approximately 6,492 acres.

T. 2 S., R. 85 W.,
Sec. 19, all;
Secs. 20 and 21, excluding unnamed river;
Sec. 22, excluding unnamed river and Kuguklik River;
Sec. 23, excluding Native allotments F-16913 Parcel B, F-18113 Parcel A and Kuguklik River;
Sec. 24, excluding Native allotments F-17986 Parcel B and F-17994 Parcel A;
Sec. 25, excluding Native allotments F-17986 Parcel B, F-17994 Parcel A, F-18087 Parcel B and Kuguklik River;
Sec. 26, excluding Native allotment F-16913 Parcel B and Kuguklik River;
Sec. 27, excluding Kuguklik River;
Sec. 28, excluding Native allotment F-18086 Parcel A and unnamed river;
Sec. 29, excluding unnamed river and Kuguklik River;
Sec. 30, excluding Kuguklik River;
Sec. 31, excluding Native allotments F-18082, F-18110 Parcel B and Kuguklik River;
Sec. 32, excluding Kuguklik River and unnamed river;
Sec. 33, excluding Native allotments F-16587 Parcel B, F-18081 Parcel B, Kuguklik River and unnamed river;
Sec. 34, excluding Native allotment F-16587 Parcel B and Kuguklik River;
Sec. 35, excluding Native allotment F-17991 Parcel A and Kuguklik River;
Sec. 36, all.
Containing approximately 9,238 acres.

TR. 3 S., R. 85 W.,
Sec. 1, all;
Sec. 2, excluding Native allotments F-17989 Parcel D and F-17991 Parcel A;
Sec. 3, excluding Native allotment F-18113 Parcel B;
Sec. 4, excluding Kuguklik River;
Sec. 5, excluding Native allotments F-17906 Parcel B, F-18090 Parcel C and Kuguklik River;
Sec. 6, excluding Native allotment F-18080 Parcel B;
Sec. 7, excluding Native allotments F-16585 Parcel B, F-16995 Parcel A and F-17908 Parcel B;
Secs. 8, 9, 10, all;
Sec. 11, excluding Native allotment F-17903 Parcel C;
Sec. 12, excluding Native allotments F-17908 Parcel C, F-18084 Parcel A, F-18087 Parcel A and F-18093 Parcel C;
Secs. 13 to 17, inclusive, all;
Sec. 18, excluding Native allotment F-18094;
Secs. 19, 20, and 21, all;
Sec. 22, excluding Native allotments F-16973 Parcel B and F-17984 Parcel B;
Sec. 23, excluding Native allotments F-16973 Parcel B and F-17909 Parcel B;
Secs. 24 and 25, all;
Sec. 26, excluding Native allotments F-17904 Parcel C and F-17986 Parcel C;
Sec. 27, all;
Sec. 28, excluding Native allotment F-18090 Parcel D;
Secs. 29 to 33, inclusive, all;
Sec. 34, excluding Native allotment F-18111 Parcel B;
Secs. 35 and 36, all.
Containing approximately 21,351 acres.

T. 4 S., R. 85 W.,
Sec. 1, excluding Native allotment F-18159 Parcel B;
Secs. 2 to 10, inclusive, all;
Sec. 11, excluding Native allotment F-16911 Parcel A;
Secs. 12 to 16, inclusive, all;
Sec. 17, excluding Native allotment F-18092 Parcel C;
Secs. 18 and 19, all;
Sec. 20, excluding Native allotment F-18092 Parcel C;
Sec. 21, all;
Sec. 22, excluding Native allotment F-17991 Parcel B;
Secs. 23 and 24, all;
Secs. 25, 26, and 27 (fractional), all;
Sec. 28 (fractional), excluding Native allotments F-17901 Parcel C and F-17983 Parcel B;
Secs. 29 and 30 (fractional), all;
Sec. 36 (fractional), all.
Containing approximately 17,614 acres.

T. 2 S., R. 86 W.,
Sec. 28, excluding Native allotments F-18110 Parcel A and Kuguklik River;
Secs. 29 to 33, inclusive, excluding Kuguklik River.
Containing approximately 2,692 acres.

T. 3 S., R. 86 W.,
Secs. 1 and 2, excluding Native allotments F-16972 Parcel B and F-18581;
Sec. 3, excluding Lot 1 (ANCSA Sec. 3(e) application AA-39892) and lot 1 (PLO 2020 Wdl Mil Pur) of U.S. Survey No. 4236 and Kuguklik River;
Secs. 4 and 5, excluding Native allotment F-17905 and Kuguklik River;
Sec. 6, all;
Sec. 7, excluding Native allotment F-17903 Parcel B;
Sec. 8, excluding Native allotments F-16587 Parcel A and F-17900 Parcel B;
Sec. 9, excluding Native allotment F-16587 Parcel A and Kuguklik River;
Sec. 10, excluding Lot 1 (ANCSA Sec. 3(e) application AA-39892), lot 2 (PLO 2020 Wdl Mil Pur) of U.S. survey No. 4236 and Kuguklik River;
Sec. 11, excluding Native allotments F-16585 Parcel A and F-18093 Parcel D;
Sec. 12, excluding Native allotment F-18091;
Sec. 13, all;

Sec. 14, excluding Native allotments F–16585 Parcel A and F–16586 Parcel B;
Sec. 15, all;
Sec. 16, excluding Native allotment F–18086 Parcel B;
Sec. 17, excluding Native allotments F–17908 Parcel A and F–18085 Parcel C;
Secs. 18, 19, and 20, all;
Secs. 21, excluding Native allotment F–18083 Parcel B;
Secs. 22 to 31, inclusive, all;
Secs. 32 and 33, excluding Native allotment F–18089 Parcel C;
Secs. 34, 35, and 36, all.
Containing approximately 21,344 acres.

T. 4 S., R. 86 W.,
Secs. 1 to 6, inclusive, all;
Sec. 7 (fractional), all;
Secs. 8 to 13, inclusive, all;
Secs. 17 and 18 (fractional), all.
Containing approximnately 8,454 acres.

T. 2 S., R. 87 W.,
Secs. 34 and 35 (fractional), all;
Sec. 36 (fractional), excluding Native allotment F–17904 Parcel A.
Containing approximately 930 acres.

T. 3 S., R. 87 W.,
Secs. 1 and 2, all;
Sec. 3 excluding Native allotments F–15792 Parcel B and F–18159 Parcel A;
Sec. 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Sec. 15 (fractional), all;
Sec. 23 (fractional), excluding Native allotment F–17902 Parcel A;
Sec. 24 excluding Native allotment F–17902 Parcel A;
Sec. 25, excluding Native allotment F–18087 Parcel C;
Sec. 26 (fractional), excluding Native allotments F–17906 Parcel A and F–17907 Parcel B;
Sec. 35 (fractional), all;
Sec. 36, all;
Containing approximately 7,405 acres.

T. 4 S., R. 87 W.,
Secs. 1 and 12 (fractional), all.
Containing approximately 460 acres.
Aggregating approximately 105,838 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. 2 S., R. 84 W.,
Sec. 19, all;
Sec. 20, excluding Native allotment F–17998;
Secs. 21, 22, and 23, all;
Sec. 24, excluding Native allotments F–16911 Parcel B, F–17997 Parcel A and Kuguklik River;
Sec. 25, excluding Native allotments F–16995 Parcel B, F–17996 Parcel B, and Kuguklik River;
Sec. 26, excluding Native allotments F–17987 Parcel A, F–18727 Parcel D, F–17909 Parcel C and Kuguklik River;
Sec. 27, excluding Native allotment F–17988 Parcel A and Kuguklik River;
Sec. 28, excluding Kuguklik River and its interconnecting slough;
Sec. 29, excluding Native allotments F–17992 Parcel A, F–17998, Kuguklik River and its interconnecting slough;
Sec. 30, excluding Kuguklik River;
Sec. 31, all;
Sec. 32, excluding Kuguklik River and its interconnecting slough;
Sec. 33, excluding Native allotments F–17900 Parcel A, F–18093 Parcel B, Kuguklik River and its interconnecting slough;
Sec. 34, excluding Native allotment F–17900 Parcel A, F–17988 Parcel A and Kuguklik River;
Secs. 35 and 36, all.
Containing approximately 9,858 acres.

T. 4 S., R. 84 W.
Secs. 5 to 8, inclusive, all;
Secs. 17 to 20, inclusive, all
Secs. 29 to 30, all;
Containing approximately 6,372 acres.

T. 2 S., R. 85 W.
Sec. 19, all;
Secs. 20 and 21, excluding unnamed river;
Sec. 22, excluding unnamed river and Kuguklik River;
Sec. 23, excluding Native allotments F–16913 Parcel B, F–18113 A and Kuguklik River;
Sec. 24, excluding Native allotments F–17986 Parcel B and F–17994 Parcel A;
Sec. 25, excluding Native allotments F–17986 Parcel B, F–17994 Parcel A, F–17986 Parcel B and Kuguklik River;
Sec. 26, excluding Native allotment F–16913 Parcel B and Kuguklik River;
Sec. 27, excluding Kuguklik River;
Sec. 28, excluding Native allotment F–18086 Parcel A and unnamed river;
Sec. 29, excluding unnamed river and Kuguklik River;
Sec. 30, excluding Kuguklik River;
Sec. 31, excluding Native allotments F–18082, F–18110 Parcel B and Kuguklik River;
Sec. 32, excluding Kuguklik River and unnamed river;
Sec. 33, excluding Native allotments F–16587 Parcel B, F–18081 Parcel B, Kuguklik River and unnamed river;
Sec. 34, excluding Native allotment F–16587 Parcel B and Kuguklik River;
Sec. 35, excluding Native allotment F–17991 Parcel A and Kuguklik River;
Sec.36, all.
Containing approximately 9,238 acres.

T. 3 S., R. 85 W.
Sec. 1 all;
Sec. 2, excluding Native allotments F–17989 Parcel D and F–17991Parcel A;
Sec. 3, excluding Native allotment F–18113 Parcel B;
Sec. 4, excluding Kuguklik River;
Sec. 5, excluding Native allotments F–17906 Parcel B, F–18090 Parcel C and Kuguklik River;
Sec. 6, excluding Native allotment F–18080 Parcel B;
Sec. 7, excluding Native allotments F–16585 Parcel B, F–16995 Parcel A and F–17908 Parcel B;
Secs. 8, 9, and 10, all;
Sec. 11, excluding Native allotment F–17903 Parcel C;
Sec. 12, excluding Native allotments F–17908 Parcel C, F–18084 Parcel A, F–18087 Parcel A, and F–18093 Parcel C;
Secs. 13 to 17, inclusive, all;
Sec. 18, excluding Native allotment F–18094;
Secs. 19, 20, and 21, all;
Sec. 22, excluding Native allotments F–16973 Parcel B and F–17984 Parcel B;
Sec. 23, excluding Native allotments F–16973 Parcel B and F–17909 Parcel B;
Secs. 24 and 25, all;
Sec. 26 excluding Native allotments F–17904 Parcel C and F–17986 Parcel C;
Secs. 27, all;
Sec. 28, excluding Native allotment F–18090 Parcel D;
Secs. 29 to 33, inclusive, all;
Sec. 34, excluding Native allotment F–18111 Parcel B;
Secs. 35 and 36, all.
Containing approximately 21,351 acres.

T. 4 S., R. 85 W.
Sec. 1, excluding Native allotment F–18159 Parcel B;
Secs. 2 to 10, inclusive, all;
Sec. 11, excluding Native allotment F–16911 Parcel A;
Secs. 12 to 16 inclusive, all;
Sec. 17, excluding Native allotment F–18092 Parcel C;
Secs. 18 and 19, all;
Sec. 20, excluding Native allotment F–18092 Parcel C;
Secs. 21 all;
Sec. 22, excluding Native allotment F–17991 Parcel B;
Secs. 23 and 24, all;
Secs. 25, 26, and 27, (fractional), all;
Sec. 28, (fractional), excluding Native allotments F–17901 Parcel C and F–17983 Parcel B;
Secs. 29 and 30, (fractional), all;
Containing approximately 17,594 acres.

T. 2 S., R. 86 W.
Sec. 28, excluding Native allotment F–18110 Parcel A and Kuguklik River;
Sec. 29 to 33, inclusive, excluding Kuguklik River.
Containing approximately 2,692 acres.

T. 3 S., R. 86 W.
Secs. 1 and 2, excluding Native allotments F–16972 Parcel B and F–18581;
Sec. 3, excluding Lot 1 (ANCSA Sec. 3(e) application AA–39892, and lot 2 (PLO 2020 Wdl Mil Pur) of U.S. Survey No. 4236 and Kuguklik River;
Sec. 4 and 5, excluding Native allotment F–17905 and Kuguklik River;
Secs. 6, all;
Sec. 7, excluding Native allotment F–17903 Parcel B;
Sec. 8, excluding Native allotments F–16587 Parcel A and F–17900 Parcel B;
Sec. 9, excluding Native allotment F–16587 Parcel A and Kuguklik River;
Sec. 10, excluding Lot 1 (ANCSA Sec. 3(e) application AA–39892), and lot 2 (PLO 2020 Wdl Mil Pur) of U.S. Survey No. 4236 and Kuguklik River;
Sec. 11, excluding Native allotments F–16585 Parcel A and F–18093 Parcel D;
Sec. 12, excluding Native allotment F–18091;
Sec. 13, all;

Sec. 14, excluding Native allotments F–16585 Parcel A and F–16586 Parcel B;
Secs. 15 all;
Sec. 16, excluding Native allotment F–18086 Parcel B;
Sec. 17, excluding Native allotments F–17908 Parcel A and F–18085 Parcel C;
Secs. 18, 19, and 20, all;
Sec. 21, excluding Native allotment F–18083 Parcel B;
Secs. 22 to 31, inclusive, all;
Sec. 32, and 33, excluding Native allotment F–18089 Parcel C;
Secs. 34, 35, and 36, all;
Containing approximately 21,344 acres.

T. 4 S., R. 86 W.,
Secs. 1 to 6, inclusive, all;
Sec. 7 (fractional), all;
Secs. 8 to 13, inclusive, all;
Secs. 17 and 18 (fractional), all.
Containing approximately 8,454 acres.

T. 2 S., R. 87 W.,
Secs. 34 and 35 (fractional), all;
Sec. 36 (fractional), excluding Native allotment F–17904 Parcel A.
Containing approximately 930 acres.

T. 3 S., R. 87 W.,
Secs. 1 and 2, all;
Sec. 3 (fractional), excluding Native allotments F–15792 Parcel B and F–18159 Parcel A;
Sec. 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Sec. 15 (fractional), all;
Sec. 23 (fractional), excluding Native allotment F–17902 Parcel A;
Sec. 24, excluding Native allotment F–17902 Parcel A;
Sec. 25, excluding Native allotment F–18087 Parcel C;
Sec. 26 (fractional), excluding Native allotments F–17906 Parcel A and F–17907 Parcel B;
Sec. 35 (fractional), all;
Sec. 36, all.
Containing approximately 7,405 acres.

T. 4 S., R. 87 W.
Secs. 1 and 12 (fractional), all.
Containing approximately 460 acres.
Aggregating approximately 105,698 acres.

The above-described lands lie within those selected by Kugkaktlik Limited for the village of Kipnuk. 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 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–14875–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulations. The following is a listing of uses allowed for each type of easement identified. 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 3,00 lbs Gross Vehicle Weight (GVW)).

(EIN 2a D1) An easement for an existing access trail from the Kipnuk airport in Secs. 3, 10, and 11, T. 3 S., R. 86 W., Seward Meridian, through the village of Kipnuk westerly to the Kugulik River. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

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. 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 selection; and

4. Airport lease, F–12089, containing approximately 119.37 acres, located in Secs. 3, 10, and 11, T. 3 S., R. 86 W., Seward Meridian, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928 (45 Stat. 728–729; 49 U.S.C. 211–214).

A school site lease, AA–12491, containing approximately 5.4 acres, located within Sec. 3, T. 3 S., R. 86 W., Seward Meridian, issued to the State of Alaska pursuant to the terms and conditions of Sec. 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. 1622(i)) terminates on conveyance of title out of United States ownership.

Within the above-described lands, the following water body was estimated to be tidally influenced:

The Kuguklik River has been determined to be tidally influenced up to the west boundry of the E½E½, Sec. 26, T. 2 S., R. 86 W., Seward Meridian.

Actual limits of tidal influence, for the above-mentioned water body and for other water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

Within the above-described lands, only the following inland water bodies are considered to be navigable:

Kinak River and its interconnecting sloughs from its mouth upstream through the selection to a fall camp located in Sec. 12, T. 1 S., R. 85 W., Seward Meridian;

Kuguklik River and its interconnecting sloughs from its mouth upstream through the selection and beyond into the Kwigillingok selection; and

An unnamed river and its interconnecting sloughs from its confluence with the Kuguklik River in Sec. 33, T. 2 S., R. 85 W., upstream to a fall and spring camp located in Sec. 22, T. 1 S., R. 84 W., Seward Meridian.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence they were determined nonnavigable.

Kugkaktlik Limited is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date approximately 105,838 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 9,362 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 Kugkaktlik Limited and shall be subject to the same conditions as the surface conveyance.

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 October 30, 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 govering 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:

Kugkaktlik Limited, Kipnuk, Alaska 99614
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 80-30446 Filed 9-29-80; 8:45 am]
BILLING CODE 4310-84-M

[F-14893-A and F-14893-B]

Alaska Native Claims Selections; Mary's Igloo Native Corp.

On June 28 and December 11, 1974, Mary's Igloo Native Corporation, for the Native village of Mary's Igloo, filed selection applications F-14893-A and F-14893-B under the provisions 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 Mary's Igloo.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications F-44469 and F-44473, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)) for certain lands in the Mary's Igloo area.

The following described lands have been properly selected by Mary's Igloo Native Corporation or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated* and *unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

State Selection F-44469

U.S. Survey 4093, Lot 1, situated on the right bank of the Kuzitrin River about 70 miles from Nome, Alaska.
Containing 3.64 acres.

T. 3 S., R. 30 W.,
Sec. 20, all;
Sec. 21, excluding U.S. Survey 5061, U.S. Survey 4093 Lot 2, and Kuzitrin River;
Secs. 28 to 33, inclusive, excluding Kuzitrin River.
Containing approximately 4,756 acres.

State Selection F-44473

T. 4 S., R. 30 W.,
Secs. 4, 5 and 6, all;
Sec. 29, excluding Kruzgamepa (Pilgrim) River;
Sec. 30, all;
Sec. 31, excluding U.S. Survey 565 and Kruzgamepa (Pilgrim) River;
Sec. 32, excluding Kruzgamepa (Pilgrim) River.
Containing approximately 4,228 acres.
Aggregating approximately 8,988 acres.

Further action on the above State selection applications, as to those lands not rejected herein, will be taken at a later date. The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands.

On December 15, 1975 and July 2, 1976, Bering Straits Native Corporation filed selection applications F-21972 and F-22903, respectively, pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since a portion of the lands encompassed in the subject Sec. 14(h)(1) applications have been properly selected by Mary's Igloo Native Corporation under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by the Bering Straits Native Corporation. Therefore, selection applications F-21972 and F-22903 must be and are hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

Regional Selection F-21972

T. 3 S., R. 30 W.,
Sec. 21, E½.
Containing approximately 320 acres.

Regional Selection F-22903

T. 3 S., R. 30 W.,
Sec. 31, S½NE¼, N½SE¼.
Containing approximately 160 acres.
Aggregating approximately 480 acres.

Further action on Sec. 14(h)(1) application F-21972, as to those lands not rejected herein, will be taken at a later date. Section 14(h)(1) application F-22903 is rejected in its entirety and the case file will be closed of record when this decision becomes final.

As to the lands described below, the applications submitted by Mary's Igloo Native Corporation are properly filed and meet 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), aggregating approximately 73,109 acres, is considered proper for acquisition by Mary's Igloo Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Kateel River Meridian, Alaska (Unsurveyed)

T. 3 S., R. 30 W.,
Sec. 20, excluding Native allotment F-14382 Parcel A;
Sec. 21, excluding U.S. Survey 5061, U.S. Survey 4093, Lots 1 and 2, Native allotments F-13770 Parcel A, F-14382 Parcels A and B, F-18045 and Kuzitrin River;
Sec. 28, excluding Native allotment F-15073 Parcel C and Kuzitrin River;
Secs. 29 to 33, inclusive, excluding Kuzitrin River.
Containing approximately 4,516 acres.

T. 4 S., R. 30 W.,
Secs. 4, 5 and 6, all;
Sec. 29, excluding Kruzgamepa (Pilgrim) River;
Sec. 30, all;
Sec. 31, excluding U.S. Survey 565 and Kruzgamepa (Pilgrim) River;
Sec. 32, excluding Kruzgamepa (Pilgrim) River.
Containing approximately 4,228 acres.

T. 3 S., R. 31 W.,
Sec. 25, all;
Secs. 33 to 36, inclusive, excluding Kuzitrin River.
Containing approximately 3,102 acres.

T. 4 S., R. 31 W.,
Sec. 1, all;
Secs. 2, 3, 4 and 5, excluding Kuzitrin River;

Sec. 6, all;
Sec. 7, excluding Kuzitrin River and Davidsons Slough;
Sec. 8, excluding Kuzitrin River and interconnecting slough;
Sec. 9, excluding Kuzitrin River;
Secs. 10 to 15, inclusive, all;
Sec. 16, excluding the interconnecting slough of the Kuzitrin River;
Sec. 17, excluding Kuzitrin River and interconnecting slough;
Sec. 18, excluding Kuzitrin River and Davidsons Slough;
Sec. 19, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Secs. 20 and 21, excluding the interconnecting sloughs of the Kuzitrin River and the Kruzgamepa (Pilgrim) River;
Secs. 22 to 25, inclusive, all;
Secs. 26 and 27, excluding Kruzgamepa (Pilgrim) River;
Secs. 28 and 29, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Sec. 30, excluding Kruzgamepa (Pilgrim) River;
Sec. 31, all;
Sec. 32, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Secs. 33, 34 and 35, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Sec. 36, excluding U.S. Survey 565 and Kruzgamepa (Pilgrim) River.

Containing approximately 21,781 acres.

T. 3 S., R. 32 W.,
Sec. 7, all;
Sec. 8, excluding U.S. Survey 604, Native allotment F–19269 Parcel B and the northern arm of Mary's Lake;
Sec. 16, all;
Sec. 17, excluding the northern arm of Mary's Lake;
Secs. 18 and 19, all;
Sec. 20, excluding Mary's Lake, Lake Omiaktalik and Kaviruk River;
Sec. 21, excluding Mary's Lake and Lake Omiaktalik;
Secs. 25 and 26, all;
Sec. 27, excluding Davidsons Slough;
Sec. 28, excluding Lake Omiaktalik, Davidsons Slough and Kaviruk River;
Sec. 29, excluding Lake Omiaktalik and Kaviruk River;
Sec. 30, excluding Native allotment F–12563 Parcel C, Kaviruk River and interconnecting slough;
Sec. 31, excluding Native allotments F–12562 Parcel B and F–16510 Parcel B, Kuzitrin River, and its interconnecting slough and Kaviruk River;
Sec. 32, excluding Native allotment F–12583 Parcel D, Kuzitrin River and Kaviruk River;
Sec. 33, excluding Davidsons Slough, Kuzitrin River, and interconnecting sloughs;
Secs. 34 and 35, excluding Davidsons Slough.

Containing approximately 9,966 acres.

T. 4 S., R. 32 W.,
Secs. 1, 2 and 3, excluding Davidsons Slough;
Sec. 4, excluding Kuzitrin River;
Sec. 5, excluding Kuzitrin River and its interconnecting sloughs;
Sec. 6, excluding Native allotments F–16510 Parcel B and F–16815 Parcel B, Kuzitrin River and its interconnecting sloughs;
Secs. 7 and 8, excluding the interconnecting sloughs of the Kuzitrin River;
Sec. 9, excluding Native allotment F–12551 Parcel C, Kuzitrin River, and its interconnecting sloughs;
Sec. 10, excluding Native allotment F–12551 Parcel C, Kuzitrin River, Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Secs. 11 and 12, excluding Davidsons Slough and Kuzitrin River;
Sec. 13, excluding Kuzitrin River, and its interconnecting sloughs;
Sec. 14, excluding Native allotments F–13056 Parcel C and F–12968 Parcel B, Kuzitrin River and its interconnecting sloughs;
Sec. 15, excluding Native allotment F–12968 Parcel B, Kuzitrin River, Kruzgamepa (Pilgrim) River and interconnecting sloughs;
Sec. 16, excluding Kruzgamepa (Pilgrim) River and interconnecting sloughs;
Sec. 17, excluding the interconnecting sloughs of the Kruzgamepa (Pilgrim) River;
Sec. 18, all;
Sec. 21, excluding the interconnecting slough of the Kruzgamepa (Pilgrim) River;
Sec. 22, excluding Kruzgamepa (Pilgrim) River;
Sec. 23, excluding U.S. Survey 2245, Native allotment F–19269 Parcel A, Kruzgamepa (Pilgrim) River and interconnecting sloughs;
Sec. 24, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Sec. 25, excluding Native allotment F–13628, and Kruzgamepa (Pilgrim) River;
Sec. 26, excluding Kruzgamepa (Pilgrim) River.

Containing approximately 12,715 acres.

T. 3 S., R. 33 W.,
Secs. 11 to 20, inclusive, all;
Sec. 21, excluding the unnamed slough connecting Duck Creek and the Imuruk Basin;
Secs. 22 and 23 (fractional), excluding Kuzitrin River and the unnamed slough connecting Duck Creek and the Imuruk Basin;
Sec. 24, all;
Sec. 25 (fractional), excluding Kaviruk River and Kuzitrin River;
Secs. 26 and 27 (fractional), excluding Native allotment F–028263 Parcel B and Kuzitrin River;
Secs. 28 and 29, excluding the unnamed slough connecting Duck Creek to Imuruk Basin;
Sec. 30, excluding Native allotment F–12584 Parcel D and the unnamed slough connecting Duck Creek to Imuruk Basin;
Sec. 31, excluding Native allotment F–12782 Parcel A and Duck Creek;
Secs. 32 and 33, excluding the unnamed slough connecting Duck Creek to Imuruk Basin;
Sec. 34 (fractional), all;
Sec. 35 (fractional), excluding Native allotments F–028263 Parcel B and F–12560 Parcel B;
Sec. 36 (fractional), excluding Native allotment F–16815 Parcel A, Kuzitrin River and the unnamed slough.

Containing approximately 13,865 acres.

T. 4 S., R. 33 W.,
Sec. 1, excluding the interconnecting slough of the Kuzitrin River;
Sec. 2 (fractional), excluding native allotments F–12560 Parcel B and F–028263 Parcel A;
Sec. 3 (fractional), excluding Native allotments F–028263 Parcel A and F–13056 Parcel B;
Sec. 4, excluding the unnamed slough connecting Duck Creek and Imuruk Basin;
Sec. 5 (fractional), all;
Sec. 6 (fractional), excluding Native allotment F–12782 Parcel A and Duck Creek;
Secs. 7, 8 and 9 (fractional), all;
Sec. 11 (fractional), excluding Native allotments F–18382 and F–12582 Parcel B.

Containing approximately 2,936 acres.
Aggregating approximately 73,109 acres.

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–14893–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 Vehicles Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 8a C3, D1, D9, L) An easement for an existing access trail twenty-five (25) feet in width from Mary's Igloo in Sec. 8, T. 4 S.,

R. 31 W., Kateel River Meridian, southeasterly to Pilgrim Hot Springs connecting with road EIN 8 C5, D3. 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 12 C3, D1, L) An easement for an existing access trail twenty-five (25) feet in width from its junction with trail EIN 8a C3, D1, D9, L in Sec. 15, T. 4 S., R. 31 W., Kateel River Meridian, northeasterly crossing the Nome-Taylor road to public lands in Sec. 3, T. 4 S., R. 30 W., Kateel River Meridian. 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.

c. (EIN 15a C3, D1, D9, L) An easement for an existing access trail fifty (50) feet in width from site EIN 16 D9 at Davidsons Landing in Sec. 8, T. 3 S., R. 32 W., Kateel River Meridian, northerly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 16 D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 8, T. 3 S., R. 32 W., Kateel River Meridian, on the shore of a slough connecting Mary's Lake to Davidsons Landing. The uses allowed are those listed above for a one (1) acre site easement.

e. (EIN 21 C3, D1, D9, L) An easement for an existing access trail twenty-five (25) feet in width from Mary's Igloo in Sec. 8, T. 4 S., R. 31 W., Kateel River Meridian, westerly to public lands and waters. The uses allowed are those lised above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid exiting 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-029465, located in Secs. 21, 28 and 33, T. 3 S., R. 30 W.; and Sec. 4, T. 4 S., R. 30 W., Kateel River Meridian, one hundred (100) feet each side of the centerline, for a Federal Aid Highway, issued to the State of Alaska, Department of Highways (now the Department of Transportation and Public Facilities) under the act of August 27, 1958, as amended (72 Stat. 885; 23 U.S.C. 317);

4. A right-of-way, F-024992, containing approximately 5 acres located within NE¼NE¼ Sec. 21, T. 3 S., R. 30 W., Kateel River Meridian, for a Federal Aid Material Site, issued to the State of Alaska, Department of Highways (now the Department of Transportation and Public Facilities) under the Act of August 27, 1958, as amended (72 Stat. 885; 23 U.S.C. 317);

5. A right-of-way in Federal Aid Secondary (FAS) Route 141 (Nome-Taylor Road) from FAS Route 130 in Nome, north to FAS Route 1451 at Coffee Creek, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Tps. 3 and 4 S., R. 30 W., Kateel River Meridian.

6. A right-of-way, F-026004, containing approximately 6 acres located within N½NE¼NE¼ Sec. 21, T. 3 S., R. 30 W., Kateel River Meridian, for a Federal Aid Material Site, issued to the State of Alaska, Department of Highways (now the Department of Transportation and Public Facilities) under the Act of August 27, 1958, as amended (72 Stat. 885; 23 U.S.C. 317); and

7. 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.

Mary's Igloo Native Corporation is entitled to conveyance to 92,160 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 73,109 acres of this entitlement have been approved for conveyance. The remaining entitlement of approximately 19,051 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Mary's Igloo Native Corporation for the surface estate, 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 Kuzitrin River and all interconnecting sloughs are navigable from its mouth at Imuruk Basin to Brockways Bar located in Sec. 21, T. 3 S., R. 29 W., Kateel River Meridian

The Kruzgamepa (Pilgrim) River and all interconnecting sloughs are determined to be navigable throughout the Mary's Igloo selection.

Davidsons Slough, which connects the navigable Kuzitrin and Kaviruk Rivers, is considered navigable.

The Kaviruk River is navigable to the west section line of Sec. 20, T. 3 S., R. 32 W., Kateel River Meridian.

Mary's Lake including the northern arm is navigable to the east section line of Sec. 8, T. 3 S., R. 32 W., Kateel River Meridian.

Lake Omiaktalik.

Tidal Influence:

Imuruk Basin, including the unnamed water body and connecting slough in Sec. 36, T. 3 S., R. 33 W., Kateel River Meridian.

Duck Creek in Sec. 31, T. 3 S., R. 33 W., and Sec. 6, T. 4 S., R. 33 W., Kateel River Meridian. The unnamed water bodies and the sloughs connecting them to Imuruk Basin in Sec. 5, Sec. 6, and Sec. 7, T. 4 S., R. 33 W., Kateel River Meridian.

The unnamed slough connecting Duck Creek in Sec. 36, T. 3 S., R. 34 W., Kateel River Meridian, to the Imuruk Basin in Sec. 22, T. 3 S., R. 33 W., and Sec. 3, T. 4 S., R. 33 W., Kateel River Meridian.

There are numerous other water bodies and waterways which are tidally influenced. The extent of that tidal influence will be determined at the time of survey.

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 Nome Nugget. 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 October 30, 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 adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.
Mary's Igloo Native Corporation, Teller, Alaska 99778.
Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-30313 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[F-14866-A]

Alaska Native Claim Selection; Sea Lion Corp.

This decision rejects improperly filed Sec. 14(h)(1) selections and approves lands in the area of Hooper Bay for conveyance to Sea Lion Corporation.

Calista Corporation filed selection applications AA-9368 and AA-9387 March 25, 1975; AA-9713 September 18, 1975; AA-10355 November 10, 1975; AA-11251, AA-11252, AA-11253, AA-11254, AA-11255, AA-11256, and AA-11283 April 28, 1976; and AA-11761 June 25, 1976, pursuant to Sec. 14(h)(1) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(h) (1976)).

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 Sea Lion Corporation 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. 16 N., R. 94 W.
AA-11256 Sec. 2, SW¼NW¼SE¼.
Containing approximately 10 acres.
AA-11761 Sec. 3, S½NE¼NE¼.
Containing approximately 20 acres.
AA-11255 Sec. 3, SE¼SE¼.
Containing approximately 40 acres.

T. 17 N., R. 92 W.
AA-11253 Sec. 13, W½W½NW¼SW¼; Sec. 14, E½E½NE¼SE¼.
Containing approximately 20 acres.
AA-11254 Sec. 16, S½NE¼SE¼SW¼, N½SE¼SE¼SW¼, N½SW¼SW¼SE¼, S½NW¼SW¼SE¼.
Containing approximately 20 acres.
AA-11252 Sec. 23, SW¼SW¼NE¼.
Containing approximately 10 acres.
AA-11251 Sec. 23, NW¼SE¼NE¼.
Containing approximately 10 acres.

T. 21 N., R. 84 W.
AA-9713 Sec. 6, SW¼NW¼SE¼SE¼.
Containing approximately 2.5 acres.

T. 21 N., R. 86 W.
AA-10355 Sec. 6, NW¼NE¼SE¼, NE¼NW¼SE¼.
Containing approximately 20 acres.

T. 22 N., R. 85 W.
AA-11283 Sec. 5, SE¼NW¼NE¼.
Containing approximately 10 acres.
AA-9368 Sec. 10, SW¼NW¼NE¼NE¼.
Containing approximately 2.5 acres.

T. 23 N., R. 86 W.
AA-9387 Sec. 27, SW¼NE¼SW¼SE¼.
Containing approximately 2.5 acres.

When this decision becomes final, these applications will be closed of record.

On November 22, 1974, Sea Lion Corporation for the Native village of Hooper Bay, filed selection application F-14866-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) (ANCSA), for the surface estate of certain lands in the vicinity of Hooper Bay.

Sea Lion Corporation in its November 22, 1974 application excluded several bodies of water. Because certain of those 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. For these reasons, the water bodies which were improperly excluded in the November 22, 1974, applications are considered selected by Sea Lion Corporation.

On December 15, 1975, Sea Lion Corporation filed selection application F-14866-A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selections override the Sec. 12(b) selections. Therefore, application F-14866-A2 is hereby rejected as to the lands herein approved for conveyance.

As to the lands described below, selection F-14866, 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 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 133,648 acres, is considered proper for acquisition by Sea Lion Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lands Within Clearence Rhodes Wildlife Refuge

(Public Land Order 2213, December 6, 1960 and Public Land Order 4584, January 20, 1969)

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 91 W.
Sec. 1, all;
Sec. 2, excluding the Komoiarak Slough;
Sec. 3, excluding the Komoiarak Slough and the unnamed slough;
Secs. 4 and 5, excluding the unnamed slough;
Sec. 6, all;
Sec. 7, excluding Native allotments F-14519 Parcel A, F-19116 Parcel C, F-14696 Parcel A, F-14521 Parcel A and F-19111 Parcel A and the unnamed slough;
Sec. 8, excluding Native allotment F-14557 Parcel B and F-19111 Parcel A and the unnamed slough;
Secs. 9 to 17, inclusive, all;
Sec. 18, excluding the unnamed slough;
Secs. 19 to 24, inclusive, all;
Sec. 26, excluding Native allotment F-14455 Parcel A;
Secs. 27 to 30, inclusive, all;
Sec. 31 (fractional), all;
Secs. 32 to 35, inclusive, all.
Containing approximately 21,043 acres.

T. 18 N., R. 91 W.
Secs. 17 and 18, all;
Secs. 19, 20, and 21, excluding the unnamed slough (locally known as Komoiarak Slough);
Secs. 28 and 29, all;
Sec. 30, excluding Native allotment F-14702 Parcel C;
Secs. 31 and 32, all;
Sec. 33, excluding the Komoiarak Slough.
Containing approximately 6,943 acres.

T. 17 N., R. 92 W.
Secs. 1 to 11, inclusive, all;
Sec. 12, excluding Native allotment F-14519 Parcel A;
Sec. 13, excluding Native allotment F-19112 Parcel A and the unnamed slough;

Sec. 14, excluding Native allotment F–14559 Parcel A and the unnamed slough;
Sec. 15, all;
Sec. 16, excluding Native allotment F–14758 Parcel A;
Secs. 17 to 22, inclusive, all;
Sec. 23, excluding the unnamed slough;
Sec. 24, excluding Native allotment F–19116 Parcel D and the unnamed slough;
Secs. 25 to 28 (fractional), inclusive, all;
Sec. 29, all;
Secs. 30, 32, 33, and 36 (fractional), all.
Containing approximately 18,594 acres.

T. 18 N., R. 92 W.
Secs. 10, 11, and 12 (fractional), all;
Secs. 13 and 14, all;
Sec. 15, excluding Native allotment F–14519 Parcel B;
Sec. 16 (fractional), all;
Sec. 17 (fractional), excluding Native allotments F–14695 Parcel C and F–14697 Parcel A;
Sec. 18 (fractional), all;
Sec. 19, all;
Sec. 20, excluding Native allotment F–14697 Parcel A;
Sec. 21, excluding Native allotment F–19116 Parcel B;
Sec. 22, excluding Native allotment F–14519 Parcel B and F–14521 Parcel B;
Secs. 23, 24, and 25, all;
Sec. 26, excluding Native allotment F–14693 Parcel B;
Sec. 27, excluding Native allotment F–14755 Parcel A;
Secs. 28 to 36, inclusive, all.
Containing approximately 14,570 acres.

T. 17 N., R. 93 W.
Secs. 32 and 33 (fractional), those portions within Clarence Rhodes Wildlife Refuge.
Containing approximately 60 acres.

T. 16 N., R. 94 W.
Secs. 4, 10, 11, and 12 (fractional), those portions within Clarence Rhodes Wildlife Refuge.
Containing approximately 680 acres.
Aggregated acreage within the Clarence Rhodes Wildlife Refuge, approximately 61,890 acres.

Lands Outside Clarence Rhodes Wildlife Refuge

Seward Meridian, Alaska (Unsurveyed)

T. 21 N., R. 84 W.
Sec. 6, excluding Native allotment F–17513 Parcel A and the Black River.
Containing approximately 485 acres.

T. 22 N., R. 84 W.
Sec. 31, excluding the Black River.
Containing approximately 508 acres.

T. 21 N., R. 85 W.
Secs. 2 to 5, inclusive, all;
Secs. 6, 7, and 18, excluding the Kun River.
Containing approximately 4,246 acres.

T. 22 N., R. 85 W.
Secs. 3, 4, and 5, all;
Secs. 6 to 10, inclusive, excluding the Black River;
Secs. 15 and 16, excluding the Black River;
Secs. 17 to 21, inclusive, all;
Sec. 22, excluding the Black River;
Secs. 27 to 35, inclusive, all;
Sec. 36, excluding the Black River.
Containing approximately 15,792 acres.

T. 23 N., R. 85 W.
Secs. 30, 31, and 32, all.
Containing approximately 1,873 acres.

T. 21 N., R. 86 W.
Sec. 4, all;
Sec. 5, excluding Native allotment F–19237;
Sec. 6, excluding Native allotment F–19238 Parcel A;
Secs. 13 and 14, excluding the Kun River.
Containing approximately 2,465 acres.

T. 22 N., R. 86 W.
Secs. 19 to 23, inclusive, all;
Secs. 24 and 25, excluding the Kun River;
Secs. 28 to 31 inclusive, all;
Sec. 32, excluding Native allotment F–19237;
Sec. 33, all;
Sec. 36, excluding the Kun River
Containing approximately 8,444 acres.

T. 23 N., R. 86 W.
Secs. 11, 12 and 13, excluding the Black River;
Secs. 14, 15, 21 and 22, all;
Secs. 23 to 26, inclusive, excluding the Black River;
Sec. 27, excluding Native allotment F–18428 Parcel A and the Black River;
Sec. 28, excluding Native allotment F–18428 Parcel A;
Secs. 29, 32, and 33, all;
Secs. 34 and 35, excluding the Black River;
Sec. 36, all.
Containing approximately 10,860 acres.

T. 17 N., R. 93 W.
Secs. 1 to 4, inclusive, all;
Sec. 5 (fractional), all;
Sec. 8 (fractional), excluding Manayagavik Slough;
Sec. 9, excluding Manayagavik Slough;
Secs. 10 to 14, inclusive, all;
Secs. 17 and 18 (fractional), excluding Manayagavik Slough;
Sec. 20 (fractional), all;
Secs. 21 and 22, all;
Sec. 23, excluding Native allotment F–14703 Parcel C, Napareayak and unnamed sloughs;
Sec. 24, excluding Native allotment F–14703 Parcel C and Napareayak Slough;
Sec. 25 (fractional), excluding Native allotments F–13207 and F–19116 Parcel A and the Napareayak Slough;
Sec. 26, excluding U.S. Surveys 2026, 4052, and 4420, the Napareayak Slough, and the unnamed slugh;
Sec. 27, excluding U.S. Survey 4420 and the unnamed slough;
Sec. 28, excluding U.S. Survey 3774 and the unnamed slough;
Sec. 29 (fractional), excluding the unnamed slough;
Sec. 32 (fractional), that portion outside the Clarence Rhodes Wildlife Refuge;
Sec. 33 (fractional), that portion outside the Clarence Rhodes Wildlife Refuge, excluding U.S. Survey 3774;
Sec. 34, excluding U.S. Survey 4420;
Sec. 35 (fractional), excluding U.S. Survey 4420.
Containing approximately 15,995 acres.

T. 18 N., R. 93 W.
Secs. 4 and 9 (fractional), all;
Secs. 11 to 16 (fractional), inclusive, all;
Secs. 21 and 22 (fractional), all;
Secs. 23 to 27, inclusive, all;
Secs. 28 and 33 (fractional), all;
Secs. 34, 35, and 36, all.
Containing approximately 9,035 acres.

T. 16 N., R. 94 W.
Secs. 1, 2, and 3 (fractional), all;
Sec. 4 (fractional), that portion outside Clarence Rhodes Wildlife Refuge, excluding U.S. Survey 3774;
Secs. 10, 11, and 12 (fractional), those portions outside Clarence Rhodes Wildlife Refuge.
Containing approximately 2,055 acres.
Aggregated acreage outside the Clarence Rhodes Wildlife Refuge, approximately 71,758 acres.

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–14866–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)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and larger all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 3 D1) An easement for an existing access trail twenty-five (25) feet in width from the village of Hopper Bay northeasterly too the village of Scammon Bay. 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 7 E) An easement for an existing access trail twenty-five (25) feet in width from the village of Hooper Bay beginning in Sec. 26, T. 17 N., R. 93 W., Seward Meridian, easterly to the village of Chevak. 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.

(EIN 8 E) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 15, T. 22 N., R. 86 W., Seward Meridian, across Sec. 22, to public lands. 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.

d. (EIN 9 C5) An easement sixty (60) feet in width for an existing road from the south end of the Hooper Bay airport in Sec. 33, T. 17 N., R. 93 W., Seward Meridian, easterly to the village of Hooper Bay. The uses allowed are those listed above for a sixty (60) foot wide road easement.

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. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)), that (a) the above described lands which were within the boundaries of the Clarence Rhodes Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of the first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; 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.

Sea Lion Corporation is entitled to conveyance of 161,280 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 133,648 acres. The remaining entitlement of approximately 27,632 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA the subsurface estate of the lands described above, excluding those lands which have been withdrawn by Public Land Orders 2213 and 4584 and which are reserved thereby as a national wildlife refuge, shall be conveyed to Calista Corporation, when conveyance is issued to Sea Lion Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge lands which have been approved for conveyance to Sea Lion Corporation is approximately 61,890 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

Within the above described lands, the following water bodies are determined to be tidally influenced:

Manayagavik Slough from the Bering Sea to a point near the center of Sec. 15, T. 17 N., R. 93 W., Seward Meridian;

Komoiarak Slough from its confluence with the Kokechik River upstream and including a small lake system in Secs. 27, 28, 33, and 34, T. 18 N., R. 91 W., and Secs. 3 and 4, T. 17 N., R. 91 W., Seward Meridian;

The Black River to Sec. 10, T. 21 N., R. 84 W., Seward Meridian;

Napareayak Slough to the north boundary of Sec. 25, T. 17 N., R. 93 W., Seward Meridian.

Actual limits of tidal influence, for water bodies listed above and for other water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Kun River;

Black River;

Komoiarak Slough;

An unnamed slough and lake system from its junction with the Komoiarak Slough in Sec. 34, T. 18 N., R. 91 W., Seward Meridian, to its mouth in Sec. 23, T. 17 N., R. 92 W., Seward Meridian;

Unnamed Slough (locally known as Komoiarak Slough) from its confluence with the Komoiarak Slough in Sec. 12, T. 18 N., R. 91 W., Seward Meridian, upstream and including the unnamed lake in Sec. 19, T. 18 N., R. 91 W., Seward Meridian;

Napareayak Slough; and

An unnamed slough from its junction with the Napareayak Slough in Sec. 23, T. 17 N., R. 93 W., Seward Meridian, to a point near the north end of the Hooper Bay Airport in Sec. 28, T. 17 N., R. 93 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 Oct. 30, 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:

Sea Lion Corporation, Box 44, Hooper Bay, Alaska 99604

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,

Chief, Branch of Adjudication 16

[FR Doc. 80-30318 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-84-M

[F-20518]

Alaska Native Claims Selection; Tetlin Native Corporation.

This decision rejects Alaska Native Claims Settlement Act Sec. 3(e) application for lands within U.S. Survey 2050 and approves U.S. Suvey 2050 for conveyance to Tetlin Native Corporation.

On June 10, 1930, Executive Order No. 5365 withdrew the following described lands in the Territory of Alaska to promote the interests of the Natives:

Beginning at the mouth of Porcupine Creek, tributary to the Tanana from the north; thence running in southwesterly direction to the crossing of the old trail on Tok River; thence following natural divide between tributaries of the Tetlin lakes and the tributary to the Little Tok River to head of

Bear Creek; thence around head of Bear Creek following east bank of Kalutna River to the mouth; thence in northeasterly direction to head of tributaries of Ladue Creek; thence following divide between the tributaries to the Tanana and tributaries to Ladue Creek to head of southernmost tributaries of east fork of Porcupine Creek; and then to place of beginning.

U.S. Survey No. 2547 was executed to accommodate the lands described in Executive Order No. 5365. U.S. Survey No. 2050 and U.S. Survey No. 2779 are located within the boundaries established by Executive Order No. 5365.

Section 19(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 710; 43 U.S.C. 1601, 1618 (1976)) (ANCSA), revoked, subject to any valid existing rights of non-Natives, the various reserves set aside for Native use or administration of Native affairs. Public Land Order 5156, signed February 4, 1972, withdrew, subject to valid existing rights, the lands set aside for Native use or for administration of Native affairs in furtherance of the right of any Native village corporation or corporations to acquire title to the surface and subsurface estates in the reservations pursuant to Sec. 19(b) of ANCSA.

On November 15, 1973, the Board of Directors for Tetlin Native Corporation certified that its stockholders had elected to acquire title to the surface and subsurface estates in the reserve as provided by Sec. 19(b) of ANCSA. Under 43 CFR 2654.2(a), submission of such certification constituted application to acquire reserve lands.

I. Alaska Native Claims Settlement Act, Section 3(e) Application Rejected

In 1978 the Bureau of Indian Affairs requested that U.S. Survey No. 2050 be designated a Sec. 3(e) application under the Alaska Native Claims Settlement Act. (U.S. Survey No. 2050 encompasses lands in the vicinity of Tetlin formerly reserved under Executive Order No. 5289 for the use of the Office of Education.) Said application has been serialized as case file F–60732.

Section 3(e) of ANCSA defines "public lands" as:

> . . . all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installation. . .

On March 3, 1978, the Secretary of the Interior, in his final decision document for the ANCSA Implementation Review, decided that:

> The Secretary's authority to determine the smallest practicable tract involved with a Federal installation under section 3(e)(1) of the ANCSA applies only to the Statutory withdrawals made by sections 11 and 16(a) and, subsequently, to those lands selected by Village and Regional corporations from such withdrawal areas pursuant to sections 12 and 16(b).

The Secretary's authority to make such determinations does not extend to the various reserves revoked pursuant to Sec. 19(a) of ANCSA and made available for acquisition by village corporations pursuant to Sec. 19(b).

Accordingly, Sec. 3(e) application F–60732 is rejected as to the following described lands:

> U.S. Survey No. 2050, Alaska, situated within the U.S. School Reserve in the village of Tetlin.
> Containing 4.55 acres.

When this decision becomes final, application F–60732 will be closed of record.

II. Reserve Lands Proper for Village Conveyance Approved for Patent

Section 19 of ANCSA provides that if the stockholders of the concerned village corporation elect to take former reserve lands:

> . . . the Secretary [of the Interior] shall convey the land to the Village Corporation or Corporations, subject to valid existing rights as provided in subsection 14(g).

As to the lands described below, application F–20518 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 and subsurface estates of the following described lands, containing 4.55 acres, are considered proper for acquisition by Tetlin Native Corporation and are hereby approved for conveyance pursuant to Sec. 19(b) of the Alaska Native Claims Settlement Act:

> U.S. Survey No. 2050, Alaska, situated within the U.S. School Reserve in the village of Tetlin.
> Containing 4.55 acres.

There are no easements pursuant to Sec. 17(b) of ANCSA to be reserved in the above-described lands.

The grant of the above-described lands shall be subject to:

Valid existing rights therein, if any, including but 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 threby 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.

There are no inland water bodies considered to be navigable within the above described lands.

The lands herein approved for conveyance, together with U.S. Survey No. 2547 and U.S. Survey No. 2779 previously approved for conveyance, comprise all of the lands withdrawn for the benefit of the Natives at Tetlin. Tetlin Native Corporation is not eligible for any other land selections. Upon issuance of patent, case file F–20528 will be closed of record.

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, 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 October 30, 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:

Tetlin Native Corporation, Tetlin, Alaska 99779.
Bureau of Indian Affairs, Juneau Area Office, P.O. Box 308000, Juneau, Alaska 99802.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-30311 Filed 9-29-80; 8:45 am]
BILLING CODE 4310-84-M

[F-14946-A and F-14946-B]

Alaska Native Claims Selection; Teller Native Corp.

On August 6 and December 11, 1974, the Teller Native Corporation, for the Native village of Teller, filed selection applications F-14946-A and F-14946-B under the provisions 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 Teller.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications F-44470 and F-44471, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Teller area.

The following described lands have been properly selected by Teller Native Corporation or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated,* and *unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

State Selection F-44470

T. 3 S., R. 36 W.,
Sec. 7, lot 1, all;
Secs. 13 and 14, all;
Sec. 15, lots 1 and 2, all;
Sec. 16, lot 1, all;
Sec. 17, lot 1, all;
Sec. 18, lots 1 and 2, all;
Secs. 19, 20, and 21, all;
Sec. 22, lots 1, 2, and 3, all;
Sec. 23, lot 1, all;
Secs. 24, 25, and 26, all;
Sec. 27, lots 1 and 2, all;
Secs. 28 to 33, inclusive, all;
Sec. 34, lots 1 to 7, inclusive, all;
Sec. 35, lots 1, 2, and 3, all;
Sec. 36, lot 1, all.
Containing 13,999.14 acres.

State Selection F-44471

T. 3 S., R. 38 W.,
Sec. 1, lots 1, 2, and 3, all;
Sec. 2, lot 1, all;
Sec. 10, lot 1, all;
Sec. 11, lot 1, all;
Secs. 12, 13, and 14, all;
Sec. 15, lot 1, all;
Sec. 16, lot 1, all;
Sec. 21, lot 1, all;
Secs. 22 to 26, inclusive, all;
Sec. 27, lot 1, all;
Sec. 28, lot 1, all;
Sec. 34, lot 1, all;
Secs. 35 and 36, all.
Containing 9,434 acres.
Aggregating 23,433.14 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands. Further action on the subject State selection applications, as to those lands not rejected herein, will be taken at a later date.

Executive Order 7339 dated April 10, 1936, withdrew approximately 76,000 square feet (now U.S. Survey 3452, Lots 1, 2, 3, and 4 of Block 5 and Lot 31 of Block 7, containing 1.121 acre) for use of the Reindeer Service, Department of the Interior, for which jurisdiction was subsequently transferred to the Bureau of Indian Affairs (BIA). On July 28, 1980, BIA informed the Bureau of Land Management that this parcel was no longer required and withdrew their application under Sec. 3(e) of ANCSA which states:

"Public lands means all Federal lands and interest therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installations."

Therefore, these lands are considered available public lands; they are properly selected by Teller Native Corporation and are included in this conveyance document.

As to the lands described below, the applications submitted by the Teller Native Corporation, as amended, are properly filed, and meet 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), aggregating approximately 103,288 acres, is considered proper for acquisition by the Teller Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

The following described lands are approved for patent:

U.S. Survey No. 3452 B, lots 1, 2, 3, and 4 of Block 5 and lot 31 of Block 7, situated between Port Clarence and Grantley Harbor adjoining U.S. Survey Nos. 1814 and 2858, Alaska.
Containing 1.121 acre.

Mineral Survey No. 438 known as the No. 7 Above, Hayden's Discovery, Gold Run Creek Placer in Port Clarence Mining District, District of Alaska.
Containing 17.446 acres.

Mineral Survey No. 439 known as the No. 2 Below Discovery on Alder Creek Placer in Port Clarence Mining District, District of Alaska.
Containing 16.374 acres.

Kateel River Meridian, Alaska (Surveyed)

T. 4 S., R. 35 W.,
Sec. 4, lot 1, all;
Sec. 8, lot 1, all.
Containing 823 acres.

T. 3 S., R. 36 W.,
Sec. 7, lot 1, all;
Sec. 14, all;
Sec. 17, lot 1, all;
Sec. 18, lots 1 and 2, all;
Secs. 19, 20, and 21, all;
Secs. 28 to 33, inclusive, all;
Sec. 34, lots 3, 4, 5, 6, and 7, all;
Sec. 35, lots 2 and 3, all.
Containing 7,663.14 acres.

T. 4 S., R. 36 W.,
Sec. 2, lot 1, all;
Sec. 3, lot 1, all;
Secs. 4 to 11, inclusive, all;
Secs. 16 to 21, inclusive, all;
Secs. 28 to 31, inclusive, all;
Sec. 33, all.
Containing 13,386.56 acres.

T. 3 S., R. 37 W.,
Sec. 1, lot 1, all;
Sec. 2, lot 1, all;
Sec. 3, lot 1, all;
Sec. 6, lots 1, 2, 3, all 4, all;
Sec. 7, all;
Secs. 10 and 11, all;
Sec. 12, lot 1, all;
Secs. 13 to 36, inclusive, all.
Containing 18,565.43 acres.

T. 4 S., R. 37 W.,
Secs. 1 to 17, inclusive, all;
Secs. 20 to 24, inclusive, all;
Secs. 29, 30, 31, and 32, all.
Containing 16,615.04 acres.

T. 2 S., R. 38 W.,
Sec. 36, lot 2, all.
Containing 1 acre.

T. 3 S., R. 38 W.,
Sec. 1, lots 1, 2, and 3, all;
Sec. 2, lot 1, all;
Sec. 10, lot 1, all;
Sec. 11, lot 1, all;
Secs. 12, 13, and 14, all;
Sec. 15, lot 1, all;
Sec. 16, lot 1, all;
Secs. 23, 24, 25, and 26, all;
Sec. 34, lot 1, all;
Secs. 35 and 36, all.
Containing 7,948 acres.

T. 4 S., R. 38 W.,
Sec. 3, lot 1, all;
Sec. 4, lot 1, all;
Sec. 8, lot 1, all;
Sec. 9, lot 1, all;
Secs. 10, 15, and 16, all;

Sec. 17, lot 1, all;
Sec. 18, lots 1, 2, and 3, all;
Sec. 19, lots 1, 2, and 3, all;
Secs. 20, 25, and 29, all;
Sec. 30, lot 1, all;
Secs. 32 and 36, all.
Containing 7,937 acres.

T. 5 S., R. 38 W.,
Secs. 2, 3, 4, and 5, all;
Secs. 7, 8, 10, and 24, all.
Containing 5,073.86 acres.

T. 4 S., R. 39 W.,
Sec. 24, lot 2, all;
Sec. 25, lots 1 and 2, all;
Sec. 27, lot 2, all;
Sec. 28, lots 1, 2, and 3, all;
Sec. 33, lots 1 to 5, inclusive, all.
Containing 1,472 acres.

T. 5 S., R. 40 W.,
Sec. 1, lots 1 to 7, inclusive, all;
Sec. 2, lots 1 to 8, inclusive, all;
Sec. 3, lots 1 to 6, inclusive, all;
Sec. 4, lots 1, 2, and 3, all;
Sec. 5, lots 1 and 2, all;
Sec. 6, lot 1, all;
Sec. 8, lot 1, all;
Sec. 9, lots 1 and 2, all;
Sec. 10, lots 1 to 5, inclusive, all;
Sec. 11, lots 1 and 2, all.
Containing 4,681 acres.
Aggregating 84,200.97 acres.

The following described lands are approved for interim conveyance:

Kateel River Meridian, Alaska (Surveyed)

T. 4 S., R. 35 W.
Sec. 5, lot 1, excluding Native allotment F–12583 Parcel B;
Sec. 6, lot 1, excluding Native allotments F–12583 Parcel A and F–16812;
Sec. 7, lot 1, excluding Native allotments F–12782 Parcel B, F–12968 Parcel A, and F–13055 Parcel A.
Containing approximately 1,042 acres.

T. 3 S., R. 36 W.,
Sec. 15, lot 1, excluding Native allotments F–12560 Parcel A and F–13056 Parcel A, and lot 2, excluding Native allotment F–12564;
Sec. 16, lot 1, excluding Native allotment F–594 Parcel B;
Sec. 22, lot 1, lot 2, excluding Native allotment F–14657, and lot 3, excluding Native allotment F–12563 Parcel A;
Sec. 23, lot 1, excluding Native allotments F–12562 Parcel A and F–12563 Parcel A;
Sec. 26, lot 1, excluding Native allotments F–16510 Parcel A and F–18396;
Sec. 27, lot 1, excluding Native allotments F–12559, F–16510 Parcel A and F–18396, and lot 2, excluding Native allotments F–12563 Parcel B and F–12584 Parcel A;
Sec. 34, lot 2, excluding Native allotments F–12584 Parcel A and F–18570 Parcel A;
Sec. 35, lot 1, excluding Native allotments F–12784 and F–18396;
Sec. 36, lot 1, excluding Native allotment F–13052 Parcel A.
Containing approximately 3,668 acres.

T. 4 S., R. 36 W.
Sec. 1 lot 1, excluding Native allotments F–12582 Parcel A and F–13052 Parcel A, and lot 2, excluding Native allotment F–12094;
Sec. 12 lot 1, excluding Native allotments F–12782 Parcel B and F–13055 Parcel A.
Containing approximately 852 acres.

T. 3 S., R. 37 W.
Sec. 4, lot 1, all;
Sec. 5, lot 1, excluding Native allotment F–031352 Parcel B;
Secs. 8 and 9, all;
Containing approximately 1,669 acres.

T. 4 S., R. 37 W.
Secs. 25, 26, 27, and 28, all;
Sec. 33, all;
Secs. 34 and 35, excluding Native allotment F–14569 and Mineral Survey Application F–23165;
Sec. 36, all.
Containing approximately 4,825 acres.

T. 5 S., R. 37 W.
Sec. 5, excluding Mineral Survey Application F–23165;
Sec. 6, all;
Sec. 8, lots 1 and 2, excluding Mineral Survey Application F–23165;
Sec. 9, lot 1, excluding Mineral Survey Application F–23165;
Sec. 16, excluding Mineral Survey Application F–23165;
Sec. 17, lot 1, excluding Mineral Survey Application F–23165;
Secs. 19 and 20, all;
Sec. 21, excluding Mineral Survey Application F–23165;
Containing approximately 5,031 acres.

T. 3 S., R. 38 W.
Sec. 21, lot 1, all;
Sec. 22, all;
Sec. 27, lot 1, excluding Native allotment F–16813;
Sec. 28, lot 1, excluding Native allotment F–16813;
Containing approximately 1,326 acres.

T. 4 S., R. 39 W.
Sec. 13, lot 1, all;
Sec. 22, lot 1, all;
Sec. 23, lot 1, excluding Native allotment F–14526;
Sec. 24, lot 1, excluding Native allotment F–14526;
Sec. 26, lot 1, all;
Sec. 27, lot 1, excluding Native allotment F–15768 Parcel C.
Containing approximately 674 acres.
Aggregating approximately 19,087 acres.
Total aggregated acreage, approximately 103,288 acres.

The conveyance issued for the surface estate of the lands described above shall contain in 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–14946–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 Weght (GVW)).

a. (EIN 1 C3, D1 D9, L) An easement for an existing access trail, twenty-five (25) feet in width, from Teller in Sec. 1, T. 3 S., R. 38 W., Kateel River Meridian, southwesterly, joining King Island trail EIN 4 C3, D1 in Sec. 19, T. 5 S., R. 39 W., Kateel River Meridian. 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 7 D1) An easement for a proposed access trail, twenty-five (25) feet in width, from the Nome-Teller Road in Sec. 8, T. 4 S., R. 37 W., Kateel River Meridian, southwesterly to public lands in Sec. 18, T. 4 S., R. 37 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 16 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Brevig Mission trail EIN 25a C5 in Sec. 11, T. 3 S., R. 36 W., Kateel River Meridian, southeasterly to public lands. 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.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the 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 in now provided for under existing law.

3. Airport lease, F–15929, containing approximately 403 acres, located within Secs. 7 and 8, T. 3 S., R. 37 W. and Sec. 12, T. 3 S., R. 38 W. Kateel River Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation (now the Department of

Transportation and Public Facilities), under the provisions of the Act of May 24, 1928 (45 Stat. 728, 729; 49 U.S.C. 211–214);

4. A right-of-way, F–23511, located within Secs. 5 and 8, T. 3 S., R. 37 W., Kateel River Meridian, thirty (30) feet each side of the centerline, for an access road, issued to the Bureau of Indian Affairs under the provisions of the Act of October 21, 1976 (Public Law 94–579, Title V, 90 Stat. 2743);

5. A right-of-way, F–027282, located within Secs. 5, 6, 8, 17, 20, 29, and 32, T. 3 S., R. 37 W., and Secs. 5, 8, 9, 16, 21, 27, 28, and 34, T. 4 S., R. 37 W., Kateel River Meridian, one hundred (100) feet each side of the centerline, for a Federal Aid Highway. Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317);

6. A right-of-way, F–030361, containing approximately 8.306 acres, located within NE¼ Sec. 21, T. 5 S., R. 37 W., Kateel River Meridian, for a Federal Aid Material Site. Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317);

7. A right-of-way, F–030372, located within S½ Sec. 34, T. 4 S., R. 37 W., and Secs. 5, 6, 8, 16, 17, and 21, T. 5 S., R. 37 W., Kateel River Meridian, one hundred (100) feet each side of the centerline, for a Federal Aid Highway. Act of August 27, 1958 (71 Stat. 885; 23 U.S.C. 317);

8. A right-of-way, F–030472, located within S½ Sec. 34, T. 4 S., R. 37 W., Kateel River Meridian, one hundred (100) feet on either side of the centerline, for a Federal Aid Secondary Highway. Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317);

9. A right-of-way, F–031308, containing approximately 48.231 acres, located within S½ Sec. 8, T. 3 S., R 37 W., Kateel River Meridian, for a Federal Aid Material Site. Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317);

10. Any right-of-way in Federal Aid Secondary (FAS) Route 131 (Nome-Teller Road) from FAS Route 130 in Nome, northwest to Teller, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) as to Tps. 3, 4, and 5 S., R. 37 W., Kateel River Meridian; and

11. 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.

Teller Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 103,288 acres of this entitlement have been approved for conveyance. The remaining entitlement of approximately 11,912 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Teller Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyence.

There are no inland water bodies considered to be navigable within the described lands.

Grantley Harbor, Tuksuk Channel, and Imuruk Basin are tidally influenced.

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 Nome Nugget. 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 October 30, 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 adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Teller Native Corporation, Teller, Alaska 99778.

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80–30315 Filed 9–29–80; 8:45 am]

BILLING CODE 4310–84–M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Gods, Saints, and Heroes: Dutch Painting in the Age of Rembrandt" (including in the list [1] filed as a part of this determination), imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the Founders Society Detroit Institute of Arts and the foreign lenders set forth in the list filed as a part of this determination. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, DC, beginning on or about November 2, 1980, to on or about January 4, 1981, and the Detroit Institute of Arts, Detroit, Michigan, beginning on or about February 16, 1981, to on or about April 19, 1981, is in the national interest.

Public Notice of this determination is ordered to be published in the **Federal Register.**

Dated: September 24, 1980.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 80–30079 Filed 9–29–80; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Wheelabrator-Frye, Inc. and Pullman Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h) that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

with the United States District Court for the District of Columbia in *United States of America* v. *Wheelabrator-Frye, Inc., and Pullman Incorporated,* Civil Action No. 80–2346.

The Complaint in this case alleged that the proposed merger between Wheelabrator-Frye and Pullman or acquisition of Pullman's engineering and construction division by Wheelabrator-Frye would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges this merger or acquisition may tend substantially to lessen competition in two markets—the design, engineering, and construction of tall industrial and power plant chimneys and the design, engineering, and sale of electric arc furnaces.

The proposed Final Judgment requires Wheelabrator-Frye to divest the Rust Chimney Division of Rust Engineering, a subsidiary of Wheelabrator-Frye, within 12 months from the date of the merger or acquisition. The proposed Final Judgment also requires Wheelabrator-Frye to divest either the Metallurgical Division of Whiting Corporation, a subsidiary of Wheelabrator-Frye, or the Industrial Furnace Group of Pullman-Swindell, a subsidiary of Pullman Incorporated, at Wheelabrator-Frye's option, within 12 months from the date of the merger or acquisition. The proposed Final Judgment requires that the divestitures be made to a person or persons who represent that they intend to continue in the divested businesses and have the capacity to do so. If these businesses are not divested within 12 months, the proposed Final Judgment provides that a trustee be appointed to sell Rust Chimney and that a separate trustee be appointed to sell one of the furnace businesses, at the trustee's option. The proposed Final Judgment bars Wheelabrator-Frye from reacquiring any previously divested business and prohibits Wheelabrator-Frye from employing, without the consent of the United States, any person who is an employee of one of the divested businesses for a period of three years from the date of divestiture.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony V. Nanni, Chief, Trial Section, Room 3266, Antitrust Division, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530, (telephone: 202/633–2541).

Joseph H. Widmar,
Director of Operations.

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v. *Wheelabrator-Frye, Inc. and Pullman Incorporated,* Defendants.

Civil Action No. 80–2346.

Filed: September 15, 1980.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the plaintiff: Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, Charles F. B. McAleer, Anthony V. Nanni, *Attorneys, U.S. Department of Justice.*

For the defendants: Arnold M. Lerman, Wilmer & Pickering, 1666 K Street, N.W., Washington, D.C. 20006, *Attorney for Wheelabrator-Frye, Inc.,* Peter E. Greene, Skadden, Arps, Slate, Meagher & Flom, 1775 Pennsylvania Avenue, Washington, D.C. 20006, *Attorney for Pullman, Incorporated.* Peter E. Halle, David A. Blotner, *Attorneys, U.S. Department of Justice, Antitrust Division, Washington, D.C. 20530.*

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v. *Wheelabrator-Frye Inc., and Pullman Incorporated,* Defendants.

Civil Action No.: 80–2346.

Filed: September 15, 1980.

Final Judgment

Plaintiff United States of America, having filed its complaint herein on September 15, 1980, and defendants Wheelabrator-Frye Inc. ("WFI") and Pullman Incorporated ("Pullman") having appeared, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against, or any admission by, any party with respect to any issue of fact or law herein;

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby Ordered, Adjudged and Decreed:

I

This Court has jurisdiction over the subject matter herein and the parties hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18.

II

Definitions as used in this final judgment:

A. "Rust Chimney" means the Rust Chimney Division of the Rust Engineering Company, a subsidiary of WFI, and all assets of the Division including leaseholds, executory contracts, accounts receivable, engineering drawings, customer lists, goodwill and physical assets; and shall include the exclusive right to use the name "Rust Chimney" for a period of three years from the date of sale of Rust Chimney, provided that such name is used in conjunction with the name of the purchaser, and provided further that WFI shall not use the name "Rust Chimney," for a period of five years from the date of sale of Rust Chimney.

B. "Metallurgical" means the Metallurgical Division of Whiting Corporation, a subsidiary of WFI, and all assets of the Division including executory contracts, accounts receivable, inventory, work-in-process, engineering drawings, customer lists, goodwill, patents, trademarks and physical assets; and shall include the exclusive right to use the name "Whiting Furnace" for a period of three years from the date of sale of Matallurgical in connection with the sale of industrial furnaces, provided that such name is used in conjunction with the name of the purchaser, and provided further that WFI shall not use the name "Whiting Furnace," for a period of five years from the date of sale of Metallurgical.

C. "Industrial Furnace" means the Industrial Furnace Group of Pullman-Swindell Division, a division of Pullman, and all assets of the Group including executory contracts, accounts receivable, engineering drawings, customer lists, licenses, goodwill and physical assets; and shall include the exclusive right to use the names "Swindell Furnace" and "Swindell-Dressler Furnace" for a period of three years from the date of sale of Industrial Furnace, in connection with the sale of industrial furnaces, provided that such names are used in conjunction the name of the purchaser, and provided further that WFI shall not use the names "Swindell Furnace" or "Swindell-Dressler Furnace," for a period of five years from the date of sale of Industrial Furnace.

III

The provisions of this Final Judgment shall apply to the defendants and to each of their subsidiaries, successors and assigns, and to each of their officers, directors, agents, employees and attorneys, and upon those persons in active concert or participation

with them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

A. Within 12 months of the date of WFI's acquisition of the engineering and construction business of Pullman or the date of the merger of Pullman into WFI, whichever shall first occur (collectively the "Date of Acquisition"), WFI shall divest itself of:

(1) Rust Chimney, and

(2) Either Metallurgical or Industrial Furnace, at WFI's option.

B. Divestiture shall be made only to a person or persons who represent to the Court that it or they intend to continue in the divested business and have the capacity to do so.

C. WFI shall promptly report the details of any proposed divestiture, including relevant underlying documentation, to the plaintiff. Plaintiff shall have the right to make reasonable requests for additional information relating thereto. Following the receipt of any plan of divestiture and such additional information, plaintiff shall have 30 days in which to object to the proposed divestiture by submitting written notice to WFI. If plaintiff objects to the proposed plan of divestiture, the proposed divestiture shall not be consummated unless plaintiff withdraws its objection or the Court gives its approval to the plan. If plaintiff does not object, the plan shall be submitted to the Court for approval. If WFI shall have submitted a pending plan of divestiture of a business prior to the close of the 12-month period under subsection A, the time period for divestiture of such business shall be extended until the Court acts upon such plan and any approved sale is consummated.

D. If WFI shall not have divested Rust Chimney within 10 months after the Date of Acquisition, plaintiff and WFI shall promptly initiate the selection of a trustee (the "Rust Chimney Trustee") for appointment by the Court. If WFI shall not have divested Metallurgical or Industrial Furnace within 10 months after the Date of Acquisition, plaintiff and WFI shall promptly initiate the selection of a trustee (the "Furnace Trustee") for appointment by the Court. The Rust Chimney Trustee and the Furnace Trustee shall not be the same person. the Court shall appoint such trustees from a list of not more than 6 persons nominated one-half by plaintiff and one-half by WFI for each trustee position.

E. If WFI shall not have divested Rust Chimney within the time period for divestiture, the Rust Chimney Trustee shall have the power and authority to sell Rust Chimney. If, within such time period, WFI shall not have divested either Metallurgical or Industrial Furnace, the Furnace Trustee shall have the power and authority to sell either Metallurgical or Industrial Furnace, but not both, at the Furnace Trustee's option. Any sale by either trustee shall be in accordance with the provisions of this Final Judgment. Each trustee shall have full and complete access to the books, records and facilities of the business for which he has the duty to sell, and WFI shall develop such financial information relevant to the assets to be divested as each trustee may reasonably request.

F. The power and authority of the trustee or trustees to sell shall be at whatever price and terms obtainable. The trustee or trustees shall serve at the cost and expense of WFI on such terms and conditions as this Court may set, and shall account for all monies derived from the sale and all expenses incured. After approval by this Court of the account of each trustee, including fees for his or her services, all remaining monies shall be paid to WFI and that trust shall be terminated.

G. Divestiture hereunder shall be complete and final, provided that WFI may retain a security interest to secure payment of any unpaid portion of the purchase price or to secure performance of the contract of sale. If WFI reacquires any previously divested business more than 12 months after the Date of Acquisition, it shall immediately provide written notice to plaintiff and the Court. The Court shall thereupon appoint a trustee, in accordance with subsection D, to sell any such reacquired business in accordance with subsections D, E and F.

H. Until the Date of Acquisition, Pullman shall continue the normal business operations of Industrial Furance and maintain its personnel, assets and working capital at a level commensurate with its business activity, but in no event shall Pullman permit such assets or working capital (adjusted for inflation) to fall below the levels on December 31, 1979, or the level of such personnel to fall below the average during the 12 months preceding September 1, 1980.

I. WFI shall continue the normal business operations of Rust Chimney separately from the Pullman chimney business until Rust Chimney is divested and of Metallurgical and Industrial Furnace (upon its acquisition by WFI) separately from each other until one or the other is divested, and shall during such time period maintain the personnel, assets and working capital of each business at a level commensurate with its level of business activity, but in no event shall WFI permit such assets or working capital (adjusted for inflation) to fall below the level on December 31, 1979, or the number of such personnel to fall below the average level during the 12 months preceding September 1, 1980.

J. WFI shall not employ without the consent of plaintiff any person who is an employee of the divested business at the time of the divestiture for a period of three years from the date of divestiture. Such consent shall not be unreasonably withheld.

V

A. WFI shall maintain records of its efforts to sell Rust Chimney, Metallurgical and Industrial Furnace, including identification of any persons to whom each business has been offered, the terms and conditions of each offer to sell, the identification of any persons expressing interest in purchasing each business, and the terms and conditions of each offer to purchase.

B. Every three months from entry of this Final Judgment until the divestiture has been completed, WFI shall file with this Court and serve on plaintiff an affidavit together with relevant documentation (including the names of parties who have been contacted) as to the fact and manner of compliance with Section IV of this Final Judgment.

VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege:

A. Any duly authorized representative or representatives of the Department of Justice shall, upon written request by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division and on reasonable notice to WFI or Pullman made to its principal office, be permitted.

(1) Access during the office hours of the defendants, which may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendants and without restraint or interference from them, to interview officers or employees of defendants, who may have counsel present, regarding any such matters.

B. No information or documents obtained by the means provided in Sections V and VI hereof shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

C. If at the time information or documents are furnished by defendants to plaintiff, WFI or Pullman represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days' notice shall be given by plaintiff to said defendant prior to divulging such material in any legal proceeding (other than a Grand Jury Proceeding) to which that defendant is not a party.

VII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

VIII

Entry of this Final Judgment is in the public interest.

_____,

District Judge.

Entered:

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v. *Wheelabrator-Frye, Inc., and Pullman Incorporated,* Defendants.

Civil Action No. 80–2346.

Filed: September 15, 1980.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On September 15, 1980, the United States filed a civil antitrust complaint under Section 15 of the Clayton Act, 15 U.S.C. § 25, challenging the acquisition of Pullman, Inc. (Pullman) by Wheelabrator-Frye, Inc. (WFI) as a violation of Section 7 of the Clayton Act, 15 U.S.C. § 18. The complaint alleges that the acquisition of Pullman by WFI would substantially lessen competition in the United States in two markets—the design, engineering and sale of electric arc furnaces and and the design, engineering and construction of tall industrial and power plant chimneys. The complaint seeks an order by the Court for an injunction to prevent the acquisition of Pullman by WFI. The proposed Final Judgment seeks an order by the Court for the divestiture of the chimney business and the divestiture of the electric arc furnace business of either WFI or Pullman. An Order of the Court requires that WFI and Pullman, until final resolution of the case, hold these businesses separate and continue the normal business operations of each. The Court's Order would not preclude the sale of WFI's chimney business and Pullman's furnace business to Union Boiler Company, Nitro, West Virginia under a letter of intent entered into before this action was commenced.

The United States and Pullman and WFI have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the proposed Final Judgment will terminate the action, except the Court will retain jurisdiction to construe, modify, or enforce the proposed Judgment. The Order will be dissolved upon entry of the proposed Final Judgment.

II

Events Giving Rise to the Alleged Violation

In August 1980, WFI entered into an agreement to merge with Pullman. The merger was to take place in two steps. First, WFI would purchase up to four million shares of Pullman common stock at $52.50 per share. Second, WFI would exchange 1.1 shares of WFI stock for each untendered share of Pullman common stock and effect a merger. In the event Pullman is unable to fulfill its obligations under the merger agreement, WFI has an agreement with Pullman to purchase its engineering and construction divisions for $200 million.

WFI, through Whiting Corporation, and Pullman, through its Swindell Division, are both engaged in the design and engineering of electric arc furnaces. Electric arc furnaces are used by primary steel makers and by iron and steel foundries as a melting device. Electric arc furnaces are used in integrated primary steel mills to supplement the basic steel-making capacity normally provided by open-hearth furnaces and basic oxygen furnaces. Electric arc furnaces are used in "mini" and "midi" steel mills as the primary steel making furnace. Electric arcs are also used by specialty steel alloy makers and iron and steel foundries and others. There is no alternative to an electric arc furnace in a mini or midi steel mill.

During the 1972-1977 period, Pullman's and WFI's sales of electric arc furnaces accounted for approximately 24% and 16% of total U.S. sales of electric arc furnaces, respectively. Only two other firms are significant competitors in the design, engineering and sale of electric arc furnaces.

WFI, through the Rust Chimney Division of Rust Engineering, and Pullman, through the Chimney Opertions Unit of Pullman Power Products, are both engaged in the design, engineering and construction of tall reinforced concrete chimneys. These chimneys are built for industrial plants and electric power plants and range in size from 250 feet to over 1000 feet. The average tall chimney project costs approximately $2 million and can range anywhere from $0.5 million to $7 million. In 1979, Pullman's and WFI's sales of tall reinforced concrete chimneys accounted for approximately 37% and 10% of the dollar value of contracts awarded, respectively. Only two other domestic firms design, engineer and construct tall reinforced concrete chimneys.

III

Explanation of the Proposed Final Judgment

This case was brought because WFI's acquisition of Pullman (or its engineering and construction divisions) would substantially lessen competition in the design, engineering and sale of electric arc furnaces and the design, engineering and construction of tall reinforced concrete chimneys. The object of the proposed Final Judgment is to prevent this from occurring by requiring the divestiture of Rust Chimney and the divestiture of either Whiting's Metallurgical Division or Pullman-Swindell's Industrial Furnace Group at WFI's option, within 12 months of the date of WFI's merger with Pullman or the date of WFI's acquistion of Pullman's engineering and construction divisions. If the divestiture is not accomplished within 12 months, one trustee will be appointed to sell Rust Chimney and a separate trustee will be appointed to sell either Whiting's Metallurgical Division or Pullman-Swindell's Industrial Furnace Group, at the trustee's option. As of the date the complaint in this action was filed, WFI had entered into a letter of intent to sell Pullman's Industrial Furnace Group and Rust Chimney to Union Boiler Company, Nitro, West Virginia.

The proposed Final Judgment provides that there is no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C § 16(e), the entry of the proposed Final Judgment is conditioned upon a determination by the court that the proposed Final Judgment is in the public interest.

Rust Chimney is defined in the proposed Final Judgment as all the assets, including engineering drawings, of the Rust Chimney Division of the Rust Engineering Company, a subsidiary of WFI. It includes the exclusive right to use the name Rust Chimney for three years from the date of sale, provided that the name is used in conjunction with the name of the purchaser, and also provides that WFI shall not use the name Rust Chimney for five years from the date of sale.

Metallurgical is defined in the proposed Final Judgment as all the assets, including engineering drawings of the Metallurgical Division of Whiting Corporation, a WFI subsidiary. It includes the exclusive right to use the name Whiting Furnace for a period of three years from the date of sale, provided that the name is used in conjunction with the name of the purchaser and also provides that WFI shall not use the name Whiting Furnace for five years from the date of sale.

Industrial Furnace is defined in the proposed Final Judgment as all the assets, including engineering drawings, of the Industrial Furnace Group of the Pullman-Swindell Division, a division of Pullman, Inc. It includes the exclusive right to use the names Swindell-Furnace and Swindell-Dressler Furnace for a period of three years from the date of sale, provided the name is used in conjunction with the name of the purchaser, and also provides the WFI shall not use the names Swindell-Furnace or Swindell-Dressler Furnace for five years from the date of sale.

The provisions of the proposed Final Judgment apply to both WFI and Pullman and each of their subsidiaries, as well as each of their officers, directors, agents, employees and attorneys.

The sale of Rust Chimney and Whiting's Metallurgical Division or the Industrial Furnace Group of Pullman-Swindell must be made to a person who represents that he intends to continue to operate these businesses and has the capacity to do so. WFI must report to the United States the details of any proposed divestiture, and the United States can request additional information. The United States has 30 days to object to WFI in writing to any proposed divestiture. If the United States objects, the proposed divestiture can not be consumated unless the United States withdraws its objection or the Court approves the divestiture. If the United States does not object, the proposed divestiture shall be submitted to the Court for approval.

If WFI has not divested Rust Chimney within ten months from the date of the merger or acquisition of Pullman's engineering and construction divisions, the selection of a trustee to sell Rust Chimney will be promptly initiated. This provision also applies if the divestiture of either the Whiting Metallurgical Division or the Industrial Furnace Group of Pullman-Swindell is not accomplished within ten months. A separate trustee will be appointed to sell the Rust Chimney Division and the furnace businesses. The trustees will be appointed by the Court from a list of 6 persons, half nominated by WFI and half nominated by the United States.

The proposed Final Judgment gives the Rust Chimney trustee the power and

authority to sell Rust Chimney. The furnace trustee is given the power and authority to sell either Whiting's Metallurgical Division or Pullman-Swindell's Industrial Furnace Group, but not both, at the furnace trustee's option. The power and authority of the trustee to sell shall be at whatever price and terms are obtainable, subject to the Court's approval. Each trustee shall have complete access to the books, records and facilities which he or she has responsibility to sell. The trustees will be paid by WFI at whatever terms and conditions the Court sets. WFI will receive the proceeds from the sales of the businesses, less expenses incurred by the trustees for the sale and the trustees' fee for their services. The proposed Final Judgment bars WFI from reacquiring any business previously divested.

The proposed Final Judgment requires Pullman to continue the normal business operations of Pullman-Swindell's Industrial Furnace Group and to maintain its personnel, assets, and working capital at a level commensurate with its business activity until it merges with WFI or WFI acquires its engineering and construction divisions. After the merger with Pullman or acquisition of Pullman's engineering and construction division, WFI must continue the normal business operations of Rust Chimney separately from the Pullman Chimney business until Rust Chimney is sold. WFI also must operate Whiting's Metallurgical Division separately from Pullman-Swindell's Industrial Furnace Group until one of them is sold. In the meantime, WFI must maintain the personnel, assets and working capital of each business at a level commensurate with its level of business activity.

WFI is not allowed, without the consent of the United States to employ any person who is an employee of one of the divested businesses for a period of three years from the date of divestiture. The consent of the United States shall not be unreasonably withheld.

WFI must maintain records of its efforts to accomplish the divestiture, including the identification of persons to whom the businesses have been offered or persons expressing interest in purchasing each business, and the terms and conditions of each offer to sell or purchase. WFI must file with the Court every three months, until divestiture is completed, an affidavit with relevant documents to demonstrate its efforts to comply with the proposed Final Judgment.

To determine and secure compliance with the proposed Final Judgment, duly authorized representatives of the Department of Justice, upon written request of the Attorney General or Assistant Attorney General in charge of the Antitrust Division and upon reasonable notice to WFI or Pullman, shall be permitted access during office hours to inspect and copy all records and documents of the defendants which relate to any matters contained in the proposed Final Judgment and to interview officers or employees of the defendants. Any information or document obtained in this manner may only be divulged to duly authorized representatives of the Executive Branch of the United States or in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with the proposed Final Judgment. If any trade secrets or other confidential research, development or commercial information or documents are furnished by the defendants to the United States, the United States must give defendants 10 days notice prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), The proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against the defendants.

V

Procedures Available for Modification of the Proposed Final Judgment

The proposed Final Judgment may be entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the Court's determination that the proposed Final Judgement is in the public interest.

The Act provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the government written comments regarding the proposed Final Judgment. Any person who wants to comment should do so within the statutory sixty (60) day comment period. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and the response of the United States will be filed with the Court and published in the **Federal Register.** Written comments should be submitted to:

Anthony V. Nanni, Chief, Trial Section, U.S. Department of Justice, Antitrust Division, Room 3266, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530.

The proposed Final Judgment provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The United States actually considered only one alternative to divestiture. That alternative would have required WFI and Pullman to license their technology and know-how in chimneys and electric arc furnaces. This alternative was rejected since there has been no significant entry into either of these highly concentrated markets for quite some time. This indicates that mere licensing of technology and know-how would probably be inadequate to prevent a lessening of competition in these markets as a result of this merger. Thus, divestiture was seen as the only practical way to prevent a lessening of competition in these markets. The United States did consider asking for divestiture of the Chimney Operations Unit of Pullman Power Products. However, since the divestiture of either Rust Chimney or Pullman's Chimney Operations Unit would prevent a lessening of competition in the tall chimney market, the United States agreed that Rust be the unit divested.

The proposed Final Judgment will dispose of the United States claim for injunctive relief. The only alternative available to the Department of Justice is a trial of this case on the merits. Such a trial would require a substantial expenditure of public funds and judicial time. Since the relief the Department of Justice would expect to obtain after winning a trial on the merits is substantially similar to that in the proposed Final Judgment, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII

Determinative Documents

Pursuant to 15 U.S.C. § 16(b), there are no determinative documents. Consequently none are filed with this Competitive Impact Statement.

Respectfully submitted,

Peter E. Halle,

David A. Blotner,

Attorneys, U.S. Department of Justice.

[FR Doc. 80-30183 Filed 9-29-80; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacture of Controlled Substances; Application of Ciba-Geigy Corp.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 3, 1979, Pharmaceuticals Division, Ciba-Geigy Corp., 556 Morris Avenue Summit, New Jersey 07901, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance methylphenidate.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and

may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I street, N.W., Wahsington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than November 1, 1980.

Dated: September 23, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-30197 Filed 9-29-80; 8:45 am]

BILLING CODE 4410-09-M

Manufacture of Controlled Substances; Registration; Cordova Chemical Co.

By Notice dated August 8, 1980, and published in the **Federal Register** on August 14, 1980 (45 FR 159), Cordova Chemical Company, Highway 50 at Hazel Avenue, P.O. Box 13400, Sacramento, California 95813 made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Schedule I controlled substance Tetrahydrocannabinol.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: September 25, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-30198 Filed 9-29-80; 8:45 am]

BILLING CODE 4110-09-M

Manufacture of Controlled Substances; Application of Eli Lilly Co.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 15, 1980, Eli Lilly Co., Tippecanoe Lab., Box 685 Lilly Road, Lafayette, Ind. 47902, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance Methadone and Methadone-Intermediate.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than November 1, 1980.

Peter B. Bensinger,

Dated: September 23, 1980.

Administrator, Drug Enforcement Administration.

[FR Doc. 80-30196 Filed 9-29-80; 8:45 am]

BILLING CODE 4410-09-M

Manufacture of Controlled Substances; Application of Wyeth Laboratories, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 9, 1980, Wyeth Laboratories, Inc., 611 E. Nield Street, West Chester, PA 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance Meperidine.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than November 1, 1980.

Dated: September 23, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-30195 File 9-29-80; 8:45 am]

BILLING CODE 4410-09-M

Office of Justice Assistance, Research, and Statistics

National Minority Advisory Council on Criminal Justice; Conference

This is to provide notice of a conference by the National Minority Advisory Council on Criminal Justice (NMACCJ), OJARS.

The National Minority Advisory Council on Criminal Justice will hold a conference on October 16–18, 1980 at the Sheraton Washington Hotel at Connecticut Avenue and Woodley Road, North West in Washington, D.C. The Conference, entitled "Towards Equal Justice Now," will present the results of the Council's assessment of criminal justice issues as they impact on minority groups throughout the nation. The findings and recommendations of the Council's three-year study will be published in its Report: The Inequality of Justice: *A Report on Crime and the Administration of Justice in the Minority Community*, that will form the base for workshops and discussion groups at the conference.

Registration will be held from 3 PM to 6 PM on October 16, and from 8:30 AM to 2 PM on October 17. The conference will run from 9 AM to 5 PM on October 17 and 18. The sessions are open to the public with a registration fee of $25 which includes two luncheons, reception, and all materials.

Anyone wishing additional information should contact either Ms. Peggy Triplett, LEAA–NMACCJ Coordinator at 633 Indiana Avenue, North West, Washington D.C. (202) 724–5933 or Ms. Vernelle Nelson, NMACCJ Conference Coordinator, A. L. Nellum and Associates, 1990 M Street, North West, Suite 200, Washington, D.C. (202) 862–9300.

Peggy E. Triplett,

Project Monitor, National Minority Advisory Council on Criminal Justice.

[FR Doc. 80-30083 Filed 9-29-80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-10,530]

Alma Plastics Co., Polymid Plant, Linwood, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 2, 1980 in response to a worker petition received on August 7, 1980 which was filed on

behalf of workers at Alma Plastics Company, Polymid Plant, Linwood, Michigan.

On July 21, 1980, an investigation (TA-W-9472) was initiated on behalf of the same group of workers as TA-W-10,530.

Since the identical group of workers is the subject of the ongoing investigation TA-W-9472, a new investigation would serve no purpose. Consequently, the investigation (TA-W-10,530) has been terminated.

Signed at Washington, D.C. this 24th day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc 80-30250 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9437]

BDP Co., Industry, Calif., Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 21, 1980 in response to a worker petition received on July 11, 1980 which was filed on behalf of workers of BDP Company, Industry, California. The workers produce heaters and air conditioners.

In a letter postmarked September 9, 1980, the petitioner requested withdrawal of petition. On the basis of this withdrawal, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 23rd day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-30248 File 9-29-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8072]

Firestone Tire & Rubber Co., LaVergne, Tenn., Affirmative Determination Regarding Application for Reconsideration

On August 28, 1980, the United Rubber Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of Firestone Tire and Rubber Company's LaVergne, Tennessee plant. This determination was published in the **Federal Register** on August 29, 1980 [45 FR 57798].

The application for reconsideration claimed that the Department's customer survey was not consistent with other surveys conducted by the Department for other Firestone plants. The union further claimed that Firestone LaVergne's private brand customers were not included in the Department's survey.

Conclusion

After review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 22nd day of September 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-30251 File 9-29-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7882]

Hurn Shingle Co., Inc., Concrete, Wash.; Negative Determination Regarding Application for Reconsideration

By an application dated August 19, 1980, the petitioners and former workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers producing shakes and shingles at the Hurn Shingle Company, Inc., Concrete, Washington. The determination was published in the **Federal Register** on August 19, 1980, (45 FR 55297).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioners claim that if imports have hurt one or two shake and shingle mills, then imports of shakes and shingles have hurt all the mills in the industry. It's also claimed that imports of shakes and shingles from Canada together with the slump in the housing industry make it impossible for American shake and shingle mills to operate. Finally, it's claimed that Hurns could have developed other customers if it were not for the fact that they were already purchasing Canadian imports.

The Department's review showed that workers of the Hurn Shingle Company, Inc., at Concrete, Washington, did not meet the "contributed importantly" test of the Trade Act of 1974. A Department of Labor survey of Hurn's customers revealed that the customers' overall demand for cedar shakes and shingles declined sharply during the first four months of 1980 compared with the same period in 1979, coincident with the decline in home construction. Sources cited the sharp downturn in the home construction industry as the primary reason for the reduction in purchases of shakes and shingles.

The Department does not agree with the petitioners' contention that if imports have hurt a few mills in the industry then they have hurt the entire industry. The Trade Act specifically states that increased imports of products like or directly competitive with those produced at the workers' firm must have contributed importantly to the decline in sales or production and employment at that firm or appropriate subdivision thereof. Adverse impact at other firms in the industry is not evidence of such an impact.

With respect to the petitioners' claim concerning Canadian imports and the slump in the housing industry were making it impossible for U.S. mills to operate, the Department found that the decline in employment at the mill during the first four months of 1980 compared with the same period in 1979 coincided with a sharp downturn in domestic housing starts which began in late 1979 and has continued through the first quarter of 1980. The annual rate of housing starts in March 1980 was 42 percent lower than in March 1979, and is the lowest rate in five years.

The Department does not consider the claim of potential lost business as relevant for rebutting the basis of the Department's denial. Losses of potential future business can not be considered as contributing importantly to actual worker separations. The actual layoffs in this case were attributable to the slump in housing starts aggravated by high interest rates.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 23rd day of September 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-30255 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,634]

Jones & Laughlin Steel Corp., Pittsburgh Works, Pittsburgh, Pa.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a worker petition received on August 11, 1980 which was filed on behalf of workers and former workers of the Jones & Laughlin Steel Corporation, Pittsburgh Works, Pittsburgh, Pennsylvania.

On July 10, 1980, a petition was filed by the United Steelworkers of America on behalf of the same group of workers (TA-W-9,736).

Since the identical group of workers is the subject of the ongoing investigation TA-W-9,736, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 24th day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-30254 File 9-29-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,680]

Ken Brown Motors, Detroit, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a worker petition received on August 20, 1980 which was filed on behalf of workers and former workers of Ken Brown Motors, Detroit, Michigan. The workers sold and serviced Chrysler cars and trucks.

On July 21, 1980, an investigation (TA-W-9379) was initiated on behalf of the same group of workers as TA-W-10,680.

Since the identical group of workers is the subject of the ongoing investigation TA-W-9379, a new investigation would serve no purpose. Consequently, this investigation has been terminated.

Signed at Washington, D.C. this 24th day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-30253 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9577]

Para-Quality Carpentry, Inc., Utica, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was instituted on July 28, 1980 in response to a worker petition which was filed on behalf of workers at Para-Quality Carpentry, Incorporated, Utica, Michigan. The workers are involved in carpentry operations.

On September 10, 1980, pursuant to an earlier investigation, workers at Para-Quality Carpentry were denied eligibility to apply for adjustment assistance (TA-W-9514). The petition alleged that imports of automobiles caused layoffs at the firm. The investigation revealed no evidence that indicated increased imports of automobiles or new homes had contributed importantly to layoffs at Para-Quality Carpentry in 1979 or year-to-date 1980.

The current petition also alleges that imports of automobiles were responsible for the layoffs at the firm.

Since an investigation has already been conducted pursuant to the facts and statements presented in the current petition (TA-W-9577) and since the current petition presents no additional information pursuant to the previous determination (TA-W-9514) that would change that determination, another investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 23d day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-30249 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,911]

United Pocahontas Coal Co., Algoma Mine No. 14, Algoma, W. Va.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 15, 1980 in response to a worker petition received on June 30, 1980 which was filed by the United Mine Workers of America on behalf of workers and former workers mining metallurgical coal at the Algoma Mine #14 of the Pocahontas Coal Company, Algoma, West Virginia.

The petitioning group of workers was certified as eligible to apply for adjustment assistance in a determination issued on March 9, 1979 (TA-W-4633). Since workers of the Algoma Mine #14 of the Pocahontas Coal Company newly separated, totally or partially, from employment on or after November 1, 1978 (impact date) and before March 9, 1981 (expiration date of the certification) are covered by an existing determination, a new investigation would serve no purpose. Therefore, it is recommended that this investigation be terminated.

Signed at Washington, D.C. this 24th day of September 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 30252 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Application No. D-1733]

R. Perry Realty, Inc., Profit Sharing Plan, Farmington Hills, Mich.; Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of two parcels of improved real property by R. Perry Realty, Inc. Profit Sharing Plan (the Plan) to Richard Perry, a disqualified person with respect to the Plan. Since Mr. Richard Perry is the sole stockholder and employee of R. Perry Realty, Inc. and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code. The proposed exemption, if granted, would affect the beneficiaries of the Plan and Richard Perry.

DATES: Written comments and requests for a public hearing must be received by the Department on or before October 31, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of

Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1733. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Plan trustee, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc 75-26, 1975-1 C.B. 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of $189,523 as of May 31, 1979. The investment decisions are made by the Plan trustee (the Trustee), Mr. Richard Perry.

2. In 1979, the Plan purchased an eight unit apartment (Parcel One), located on Pleasure Street in Milford, Michigan, for $121,590 ($20,700 cash and a $100,890 mortgage) and a six unit apartment (Parcel Two), located on Wilmer Street in Westland, Michigan for $62,300 ($18,000 cash and a $44,300 mortgage) from unrelated parties (Parcel One and Parcel Two are hereinafter collectively referred to as the Properties).

3. Since 1979, the Properties have not generated sufficient income to cover mortgage amortization and operational expenses. As of May 31, 1979, total losses on the Properties have been $2,539 (Parcel One $391 and Parcel Two $2,148). The Properties represented approximately 64% of the Plan's assets as of May 31, 1979.

4. In addition to the fact that the Properties are non-income producing, the market for the Properties is depressed because of high mortgage interest rates and uncertain economic conditions in the area of the Properties. Thus, the Trustee believes that a sale of the Properties would be beneficial to the Plan because monies received as a result of the sale of the Properties can be invested in assets earning a greater return. As a result, the Plan's financial liquidity would be enhanced. Therefore, the Trustee proposes to sell the Properties to himself for cash. Mr. Keith A. Metcalf, an independent appraiser and a real estate broker, on December 5, 1979 valued Parcel One at $123,000 and Parcel Two at $62,500. Accordingly, the terms of the sale will be as follows: the Plan will receive cash for its equity in the Properties; the sales price will also include $2,539 for the losses incurred by the Plan; and Mr. Richard Perry will assume the outstanding mortgages. No commissions will be paid in connection with the sale.

5. In summary, the applicant represents that the proposed sale of the Properties meets the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (1) it is a one time transaction for cash; (2) the amount to be paid for the Properties would be equal to the independent appraised fair market values of the Properties at the date of sale less the outstanding principal owed on the Properties plus $2,539 for the losses incurred by the Plan; (3) the Plan will be able to dispose of investments which are non-income producing for a profit and reinvest the proceeds in income producing assets; (4) no commissions will be paid in connection with the sale; and (5) the Trustee has determined that the transactions are appropriate for the Plan and are in the best interests of the Plan participant and beneficiaries.

Notice to Interested Persons

Since Richard Perry is the only participant in the Plan and the sole stockholder of the Employer, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficaries and protective of the rights of participants and beneficaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale by the Plan of the Properties to Mr. Richard Perry for $185,500 provided that amount is not less than the fair market value of the Properties at the date of sale, less the outstanding mortgage balances owed

with respect to the Properties plus $2,589 for losses incurred by the Plan.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 25th day of September, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-30223 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1746]

R. M. Wilson Co. Pension Trust Plan, Wheeling, W. Va.; Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain sanctions imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the prior lease of certain improved real property (the Property) from the R. M. Wilson Company Pension Trust Plan (the Plan) to the R. M. Wilson Company (the Employer) and the proposed cash, sale of the Property by the Plan to the Employer. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, and the Employer.

DATES: Written comments must be received by the Department on or before November 7, 1980.

EFFECTIVE DATES: June 1, 1977, as to the lease of the Property by the Plan to the Employer; date of sale as to the sale of the Property by the Plan to the Employer.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D-1746. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Hazel A. Witte of the Department, telephone (202) 523-8882. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed January 22, 1980 by the Employer and the Plan pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a defined benefit plan with approximately 21 participants. The Plan has total assets of $229,210.80 as of December 31, 1979. Since 1974, the Plan trustee (the Trustee) has been Reeves Banking and Trust Company of Dover, Ohio, which has full investment authority for the Plan and has been independent of the Plan and the Employer.

2. The Employer is engaged in the business of selling mining machinery and truck parts. The business facilities of the Employer are located in Wheeling, West Virginia.

3. On February 2, 1972, the Plan purchased a parcel of improved real property (the Property), immediately adjacent to the existing principal place of business of the Employer, from an unrelated party for $18,500. The Property is located at 35th & Chapline Street in the South Wheeling section of Wheeling, West Virginia. The area in which the Property is located had been a developing area for commercial business even though it is on the flood plain of the Ohio River. The area had not been flooded for approximately twenty years prior to purchase of the Property by the Plan, and dams constructed during the 1960's were presumed to have alleviated the threat of flooding. However, approximately one and one half years after the purchase, the entire area flooded and the commercial area was never rebuilt.

4. At various times from February 1972 until April 1977, the Plan leased the Property to three unrelated parties. Despite the Employer's efforts to secure tenants for the Property, the Property remained vacant from July 1976 until March 1977, and again from April 1977 until June 1977. During the periods the Property was leased to the unrelated parties and the periods it remained vacant, the Plan paid the taxes and insurance due on the Property.

5. On June 1, 1977, a lease (the Lease) was entered into between the Trustee on behalf of the Plan and the Employer. The Lease is effective for a term of five years, ending May 31, 1982, at a rental rate of $185 per month, which is higher than the rental rate in the previous leases of the Property with unrelated third parties. The Lease is a triple net lease. The annual rate of return on the investment for the Lease has been 12 percent, which the independent Trustee determined to be the fair market rental value to the Plan and the expected rate of return on short term investments.

6. The Employer and Trustee also propose that the Property be sold to the Employer, for cash, at the appraised price of $24,300, provided this is not less than the fair market price at the time of sale. The appraisal was made on May 23, 1980, by Mr. William Dye of Dye Realty Company, an independent appraiser. No sales commission or other administrative costs will be involved. The Trustee represents that, in light of its rental history and location, the Property is not readily marketable to an unrelated party. The Trustee has also determined that the sale to the Employer is appropriate for the Plan and in the best interests of plan participants and beneficiaries.

7. In summary, the applicants represent that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act because:

With regard to the Lease:

(a) The Plan was able to avoid losses due to the inability of the Plan to continuously lease the Property;

(b) The Plan has received and continues to receive, from the Employer at least the fair market rent on the Property as determined by an independent appraisal;

(c) The Lease was negotiated and monitored by an independent trustee.

With regard to the proposed sale of the Property to the Employer:

(d) It will be a one time cash transaction;

(e) The Plan will receive the fair market value of the Property as determined by an independent appraisal;

(f) The Plan will be able to dispose of Property which historically has been difficult to rent and is not readily marketable;

(g) The Trustee has determined that the proposed transaction is appropriate for the Plan and is in the best interests of its participants and beneficiaries;

(h) No sales commission or other administrative costs will be involved.

Notice to Interested Persons

Within 7 days of its publication in the Federal Register a copy of the notice of pendency will be mailed to all present plan participants and beneficiaries and all former employees with vested rights.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibitied under section 406(b) of the Act and section 4975(c) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or admininstrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the Lease, effective June 1, 1977, of the Property located in Wheeling, West Virginia, by the Plan to the Employer, and the proposed sale of the Property to the Employer for the appraised price of $24,300, provided this amount is not less than the fair market value of the Property at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 24th day of September.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-30221 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1794]

Southern Electric, Inc., Employees' Profit Sharing Trust, Fort Smith, Ark.; Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale for cash of unimproved real property by the Southern Electric, Inc. Employee's Profit Sharing Trust (the Plan) to Marvin Silmon and Dorothy Silmon, his wife and M. Douglas Silmon (the Purchasers), parties in interest with respect to the Plan because the Purchasers are officers and 10% or more shareholders of Southern Electric, Inc. (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Purchasers.

DATES: Written comments and requests for a public hearing must be received by the Department on or before November 14, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fidicuary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1794. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by Steven F. Tiley pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in

accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan was established by the Employer as a profit sharing plan in 1967 and had total assets of $157,480 and 56 participants as of November 30, 1979. The investment decisions are made by the Plan trustees (the Trustees), who are Mr. M. Douglas Silmon, an employee, officer and stockholder of the Employer, Mr. Steven F. Tiley, an employee and officer of the Employer and Mr. Tillman Patton, Jr., an unrelated party to the Employer.

2. On December 6, 1972, the Plan purchased a parcel of unimproved real property (the Property), consisting of 1.67 acres, located in the 5300 block of Wheeler Avenue, Fort Smith, Arkansas, from an unrealted party for $17,500 ($7,500 cash and a $10,000 mortgage).

3. Prior to the enactment of the Act, the intention of the Trustees was to build office and warehouse facilities (the Facilities) on the Property and lease these Facilities to the Employer and other business firms. The Trustees believed that this was a reasonable investment since the Property was acquired at a reasonable price and warehouse space at the time was in short supply. The passage of the Act made a lease between the Plan and a party-in-interest a prohibited transaction. As a result, the intention of the Trustees to build the Facilities was abandoned.

4. The Property has been, and continues to be, a non-income producing asset of the Plan. As of November 30, 1979, the Plan's total expenses (interest, taxes, etc.) for the Property have been $5,760. The Property represents 20% of the Plan's assets as of November 30, 1979.

5. In addition to the fact that the Property is non-income producing, the Trustees believe that the Property has realized its maximum appreciation in value. Thus, a sale of the Property would be beneficial to the Plan because it would enable the Plan to realize the Property's increased appreciation. In addition, monies received as a result of the sale of the Property could be invested in diversified income-producing assets thus enhancing the Plan's financial liquidity. Because the Property is adjacent to other property owned by the Purchasers, they consider themselves the most likely buyers of the Property. Therefore, the Trustees propose to sell the Property to the Purchasers for cash. Mr. A. J. Standiford, M.A.I., an independent appraiser, on November 1, 1979, valued the Property at $36,350. Mr. Standiford's valuation of the Property took into consideration the unique value of the Property to the Purchasers. Accordingly, the Plan will receive the greater of: (a) the previously appraised value of $36,350; or (b) the Property's fair market value at the time of sale. No commissions will be paid in connection with the sale.

6. In summary, the applicant represents that the proposed sale of the Property meets the statutory criteria for an exemption under section 408(a) of the Act because: (1) it is a one time transaction for cash; (2) the sales price for the Property was determined by an independent appraiser; (3) the Plan will be able to dispose of a non-income producing asset for a profit and reinvest the proceeds in income producing assets, without paying a commission; and (4) the Trustees have determined that the transaction is appropriate for the Plan and is in the best interest of the Plan participants and beneficiaries.

Notice to Interested Persons

Notice to all present participants shall be made by posting at the usual places of such notices to employees and by first class mail to all other interested parties. Notice shall be given within 15 days of the day the notice of pendency of such exemption is published in the **Federal Register**. Such notice shall include a copy of the notice of pendency and shall inform these persons of their right to comment on or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan in a pruduent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not depositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)

(A) through (E) of the Code shall not apply to the proposed cash sale by the Plan of the Property to the Purchasers provided that the Plan receives the greater of (1) the fair market value at the date of sale or (2) $36,350.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all materials terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of September 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-30222 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-29-M

[Applications Nos. D-2007 and D-2008]

St. Paul Electrical Construction Pension Fund and the St. Paul Electrical Workers Vacation Fund, St. Paul, Minn.; Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the cash sale of a $14,000 first mortgage bond by the St. Paul Electrical Workers Vacation Fund (the Vacation Fund) to the St. Paul Electrical Construction Pension Fund (the Pension Fund). (Both funds are collectively referred to as the Funds.) The proposed exemption, if granted, would affect the participants and beneficiaries of the Funds as well as other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before November 19, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D-2007 and D-2008. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in an application filed on behalf of the Funds, pursuant to section 408(a) of the Act, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Funds are multi-employer trust funds, established pursuant to section 302 of the Taft-Hartley Act of 1947, for the purpose of providing vacation and pension benefits, respectively, to employees in the electrical and construction industry.

2. There are approximately 1,470 participants in the Pension Fund and 1,479 participants in the Vacation Fund. Many of the Vacation Fund participants also are participants in the Pension Fund.

3. The Funds are jointly administered by six common trustees (the Trustees), of whom half are designated by the St. Paul Electrical Workers Union (the Union) and the other half by participating employers. The applicant has represented that neither Fund is a party in interest with respect to the other and that the investment manager for both Funds is the First Trust Company of St. Paul, Minnesota.

4. In accordance with a decision made several years ago by the Trustees, the Vacation Fund is currently in the process of being terminated. (A new Vacation and Holiday Fund has been subsequently established pursuant to a collective bargaining agreement.) Because of the Trustees' termination plan, no new contributions have been received by the Vacation Fund since November 1979. At present, the total assets of the Vacation Fund are approximately $60,000, consisting of cash and a $14,000 first mortgage bond (the Bond). Under the Vacation Fund's plan of liquidation, these assets will be paid out as vacation benefits at the end of the fiscal year.

5. The Trustees propose to have the Vacation Fund sell the Bond to the Pension Fund. The Bond was originally purchased by the Vacation Fund on March 4, 1965 and was issued by the Portland General Electric Company of St. Paul, Minnesota. The Bond bears interest at a rate of 4.7% and matures on March 1, 1995. The Pension Fund proposes to purchase the Bond for cash at its fair market value as of the closing date of the transaction. The purchase price of the Bond will represent an average of valuations given the instrument in writing by three independent brokerage firms (Merrill, Lynch, Pierce, Fenner and Smith, Saloman Brothers, and Kidder Peabody). By letter dated July 18, 1980, Salomon Brothers indicated the Bond was worth $7,035.

6. The total net assets of the Pension Fund as of October 31, 1979 were $5,971,250.66. The proposed transaction would represent approximately .0023% of total Pension Fund assets and would not involve the payment of brokerage commissions or fees.

7. In summary, the applicant represents that the proposed transaction will satisfy the criteria of section 408(a) of the Act because: (1) it will be a one-time transaction for cash; (2) the Funds' Trustees will not pay any brokerage commissions or fees with respect to the sale; (3) the purchase price for the Bond would be its fair market value as determined by three brokerage houses; and (4) the Trustees have determined that the proposed transaction is appropriate for the Funds, and is in the best interests of the Funds' participants and beneficiaries.

Notice to Interested Persons

Notice will be given to all interested persons within 20 days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption. The notice will be given to current participants of the Vacation Fund and Pension Fund by posting it in conspicuous places in the union hall and at the place of business of the employers who employ the participants. These notices will be posted in areas frequented by the participants. Notice will be mailed to those Pension Fund participants and

beneficaries who are retirees or terminated participants with vested interests, by depositing such notice in the U.S. mails addressed to such participants' last known address.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a), 406(b)(1) and 406(b)(3) of the Act.

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the cash sale of a $14,000 Portland General Electric Company first mortgage bond by the Vacation Fund to the Pension Fund, provided that the sales price is the fair market value on the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of September, 1980.

Ian D. Lanoff,,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-30220 Filed 9-29-80; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL ENDOWMENT ON THE ARTS AND THE HUMANITIES

Opera Musical Theatre Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Opera Musical Theatre Panel to the National Council on the Arts will be held October 15, 1980 from 9:00 a.m. to 6:00 p.m. and October 16, 1980 from 9:00 a.m. to 6:00 p.m. in room 1422 in the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on October 15, 1980 from 9:00 to 10:30 a.m. to discuss panel orientation.

The remaining sessions of this meeting on October 15, 1980 from 10:30 a.m. to 6:00 p.m. and October 16, 1980 from 9:00 a.m. to 6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80-30179 Filed 9-29-80; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering and Applied Science; Subcommittee for Earthquake Hazards Mitigation; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463 as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Earthquake Hazards Mitigation (EHM) of the Advisory Committee for Engineering and Applied Science.

Date and Time: October 23, 1980—9:00 a.m. to 5:00 p.m.; October 24, 1980—9:00 a.m. to 12:00 noon.

Place: Room 1242, National Science Foundation, 1800 G. St., NW., Washington, D.C.

Type of Meeting: Open.

Contact Person: Ms. Ramona Lauda, Profesional Assistant, Division of Problem-Focused Research, Room 1134A, NSF, Washington, D.C. 20550 (202) 357–7815.

Summary Minutes: May be obtained from the Contact Person at the above address.

Agenda:

October 23, 9:00–9:30 a.m.—Welcome and Review of FY 1980 Expenditures, FY 1981 Funding, and Prospects for FY 1982.

9:30—10:30a.m.—Discussion of EAS/NSF Reorganizations and Advisory Subcommittee participation in NSF Long-Range Plan development.

10:30–10:45—Break.

10:45–12:15 p.m.—National Earthquake Hazards Reduction Program and related subjects.

12:15–1:15 p.m.—Lunch.

1:15–1:30 p.m.—Report on Tsunamis Workshop.

1:30–4:30 p.m.—Topical Subjects Including National Strong Motion Program, Relation of EHM to other NSF Engineering Programs, and Program Announcements for Societal Response and Existing Hazardous Buildings.

October 24, 9:00–10:00 a.m.—Continuation of Discussion of Topical Subjects.

10:00–12:00 Noon—Task Committee Meetings.

12:00 Noon—Adjournment.

M. Rebecca Winkler,

Committee Management Coordinator.

September 25, 1980.

[FR Doc. 80-30167 Filed 9-29-80; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Mathematical and Computer Sciences; Subcommittee for Computer Science; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Computer Science of the Advisory Committee for Mathematical and Computer Sciences.

Date and Time: October 20, 21, and 22, 1980—9:00 a.m. each day.

Place: Room 628, National Science Foundation, 1800 G. Street, N.W., Washington, D.C. 20550

Type of Meeting: Part Open—10/20 Closed—9:00 a.m. to 5:00 p.m.; 10/21 Open—9:00 a.m. to 2:30 p.m.; 10/21 Closed—2:30 p.m. to 5:00 p.m.; 10/22 Open—9:00 a.m. to 3:00 p.m.

Contact Person: Mr. Kent K. Curtis, Head, Computer Science Section, Room 339, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-9747. Anyone planning to attend this meeting should notify Mr. Curtis no later than 10/13/80.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Computer Science.

Agenda:

Monday, October 20, 1980—9:00 a.m. to 5:00 p.m.—Closed

Review and comparison of declined proposals (and supporting documentation) with successful awards under the Special Projects Program, including review of peer review materials and other privileged material.

Preparation of a report based upon the above review.

Tuesday, October 21, 1980—9:00 a.m. to 2:30 p.m.—Open

9:00 a.m.—Overview of Computer Science Research Support, Mr. Kent K. Curtis.

10:00 a.m.—Coordinated Experimental Research, Dr. W. Richards Adrion.

10:30 a.m.—Interagency Coordination, Dr. C. William Kern.

11:00 a.m.—Computer Science Research Network, Dr. C. William Kern.

11:30 a.m.—New Investigators Program and Postdoctoral Program, Dr. Bruce H. Barnes.

12:00 Noon—Lunch.

1:30 p.m.—Research Support Policies, Dr. William Klemperer.

Tuesday, October 21, 1980—2:30 p.m. to 5:00 p.m.—Closed

2:30 p.m.—Oversight Review and New Directions for Special Projects, Dr. Michael J. Fischer.

Wednesday, October 22, 1980—9:00 a.m. to 3:00 p.m.—Open

9:00 a.m.—September 13 Meeting of Advisory Committee Chairmen, Dr. Jack Minker.

9:30 a.m.—NSF Support of Cryptology Research, Dr. Jack Minker.

12:00 Noon—Lunch.

1:30 p.m.—Committee Business, Dr. Jack Minker.

2:00 p.m.—Chairman's Items, Dr. Jack Minker.

3:00 p.m.—Adjourn.

Reason for Closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer delegated the authority to make such determinations by the Acting Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 25, 1980.

[FR Doc. 80-30170 Filed 9-29-80; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Ocean Sciences; Ad Hoc Subcommittee on the Manganese Nodule Project; Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Subcommittee on the Manganese Nodule Project, of the Advisory Committee for Ocean Sciences.

Date and time: October 16 and 17, 1980, 8:30 a.m. to 5:00 p.m.

Place: Scripps Institution of Oceanography, La Jolla, California.

Type of meeting: Closed.

Contact person: Dr. Bruce Malfait, Division of Ocean Sciences, Room 605, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-7906.

Purpose of ad hoc subcommittee: To provide the Division of Ocean Sciences Subcommittee members with additional expertise in the review and evaluation of proposals for oceanographic research related to the Manganese Nodule Project.

Agenda: Detailed review and evaluation of proposals for support of the Manganese Nodule Project.

Reason for closing: The proposals being reviewed included information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 25, 1980.

[FR Doc. 80-30168 Filed 9-29-80; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Social and Economics Science; Subcommittee for Sociology; Meeting

September 17, 1980.

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Sociology of the Advisory Committee for Social and Economics Science.

Date and time: October 30-31, 1980, Thursday—9:00 a.m. to 6:00 p.m.; Friday—9:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C., Room 338.

Type of meeting: Closed.

Contact person: James J. Zuiches, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, telephone: (202) 357-7802.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 25, 1980.

[FR Doc. 80-30169 Filed 9-29-80; 8:45 am]

BILLING CODE 7555-01-M

DOE/NSF Nuclear Science Advisory Committee Subcommittee on Computational Capabilities for Nuclear Theory

In accordance with the Federal Advisory Committee Act, P. L. 92–463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee Subcommittee on Computational Capabilities for Nuclear Theory.
Date and time: November 5, 1980, 9:00 am–5:00 pm.
Place: Room H–209 (Enter-through South Lobby), Administration Building, Department of Energy, Germantown, Maryland.
Type of meeting: Open.
Contact person: Dr. Harvey B. Willard, Program Director for Intermediate Energy Physics, National Science Foundation, Washington, DC 20550 202/357–7993.
Summary minutes: May be obtained from Ms. Lynn Martin, Physics Division, National Science Foundation, Washington, DC 20550.
Purpose of committee: To provide advice on continuing basis to both DOE and NSF on support for basic nuclear science in the United States.
Agenda: November 5, 1980, 9:00 am–5:00 pm. 9:00 am–12:30 pm Discussion of information obtained by members of the Subcommittee. 12:30 pm–1:30 pm Lunch. 1:30 pm–5:00 pm Discussion of Charge—Division of Tasks.

M. Rebecca Winkler,

Committee Management Coordinator.

September 25, 1980.

[FR Doc. 80–30166 Filed 9–29–80; 8:45 am]

BILLING CODE 7555–01–M

DOE/NSF Nuclear Science Advisory Committee Subcommittee on Computational Capabilities for Nuclear Theory

In accordance with the Federal Advisory Committee Act, P. L. 92–463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee Subcommittee on Computational Capabilities for Nuclear Theory.
Date and time: November 5, 1980, 9:00 am–5:00 pm.
Place: Room H–209 (Enter through South Lobby), Administration Building, Department of Energy, Germantown, Maryland.
Type of meeting: Open.
Contact person: Dr. Harvey B. Willard, Program Director for Intermediate Energy Physics, National Science Foundation, Washington, DC 20550 202/357–7993.
Summary minutes: May be obtained from Ms. Lynn Martin, Physics Division, National Science Foundation, Washington, DC 20550.
Purpose of committee: To provide advice on continuing basis to both DOE and NSF on support for basic nuclear science in the United States.
Agenda: November 5, 1980, 9:00 am–5:00 pm. 9:00 am–12:30 pm Discussion of information obtained by members of the Subcommittee. 12:30 pm–1:30 pm Lunch. 1:30 pm–5:00 pm Discussion of Charge—Division of Tasks.

M. Rebecca Winkler,

Committee Management Coordinator.

September 25, 1980.

[FR Doc. 80–30165 Filed 9–29–80; 8:45 am]

BILLING CODE 7555–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 24, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents are available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201.

New Forms

- Foreign Agricultural Service Regulations Covering CCC's Export Credit Guarantee Program [1] (GSM–102)

[1] This request for clearance may be acted upon before the normal 10-day public comment period is up. These reporting requirements will be used to implement regulations proposed (June 5, 1979) by the Commodity Credit Corporation to facilitate banking institution support of increased export of agricultural commodities. Public comment on the proposed rules has resulted in changes in their reporting and recordkeeping requirements.

On occasion
U.S. exporters, 950 responses; 950 hours
Charles A. Ellett, 395–7340

Revisions

• Farmer's Home Administration
Pretest-Rural Congregate Housing Demonstration Evaluation
Other (see SF–83)
Elederly applicants for congregate housing, 70 responses; 70 hours
Charles A. Ellett, 395–7340

Extensions

• Rural Electrification Administration
Financial Requirement and Expenditure Report—Electric Program
REA–595
On occassion
REA electric borrowers, 2,700 responses; 13,500 hours
Charles A. Ellett, 395–7340

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

• Bureau of the Census
Underwear and Nightwear (Production and Shipments)
MA–23G and MA–23G(S)
Annually
Underwear and nightwear manufactureres and jobbers, 500 responses; 850 hours
Off. of Federal Statistical Policy and Standard, 673–7974

• Bureau of the Census
Women's and Children's Outerwear (Production and Shipments)
MA–23F and MA–23F(S)
Annually
Manufacturers and jobbers of women's and children's outwear, 3,300 responses; 5,610 hours
Off. of Federal Statistical Policy and Standard, 673–7974

• Bureau of the Census
Men's and Boys' Outerwear (Production and Shipments)
MA–23E and MA–23E(S)
Annually
Manufacturers and jobbers of apparel, 1,200 responses; 2,040 hours
• Off. of Federal Statistical Policy and Standard, 673–7974

Revisions

• Bureau of the Census
Refrigeration, Air-Conditioning, and Warm Air Heating Equipment
MA–35M
Annually
Manufacturers of refrig. or related equipment, 375 responses; 470 hours
Off. of Federal Statistical Policy and Standard, 673–7974

• Bureau of the Census
Pumps and Compressors (Shipments)
MA–35p
Annually
Manufacturers of pumps and compressors, 540 responses; 540 hours
Off. of Federal Statistical Policy and Standard, 673–7974

• Bureau of the Census
Household Interview Survey of Residential Alterations and Repairs
QHS–710
Quarterly
Owner-occupants of 1–4 unit residential properties, 13,600 responses; 2,267 hours
Off. of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245–7488

New Forms

• Food and Drug Administration
Physician Interpretation of Research Data
Single time
Physicians, 120 responses; 60 hours
Off. of Federal Statistical Policy and Standard, 673–7974

• National Institutes of Health
Investigator Animal Colony File
On occasion
Research Scientists, 700 responses; 700 hours
Eisinger, Richard, 395–6880

• National Institutes of Health
Grant Application (RCDA modification)
PHS–398
Annually
Principal investigators, 450 responses; 9,000 hours
Eisinger, Richard, 395–6880

Revisions

• Social Security Administration
SSI Quality Assurance Case Review Analysis
SSA–8508
On occasion
Supplemental security income beneficiaries, 45,000 responses; 22,500 hours
Barbara F. Young, 395–6880

Extensions

• Food and Drug Administration
Medicated Feed Application
FD 1800
On occasion
Feed mills and farms mixing medicated feeds, 5,550 responses; 11,100 hours
Eisinger, Richard, 395–6880

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

New Forms

• Law Enforcement Assistance Administration
Criminal Defense Trainer Needs Assessment and Training
Resource Inventory
LEAA (Series 3350)
Single time
Criminal defense trainers, 160 responses; 80 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

Revisions

• Employment and Training Administration
Targeted Jobs Tax Credit (TJTC) Report Forms
ETA 8468—ETA 8473
On occasion
SESA's and other participating agencies, 1,086,624 responses; 87,036 hours
Arnold Strasser, 395–6880

• Employment Standards Administration
Rehabilitation Plan and Award
OWCP–16
On occasion
Injured workers and rehabilitation counselors, 1,100 responses; 550 hours
Arnold Strasser, 395–6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor, Acting—426–1887

Revisions

• Federal Aviation Administration
Repair Station Certification—FAR 145
FAA 8310–3
On occasion
Aircraft manufacturers and repair stations, 1,896,300 responses; 1,955,225 hours
Hayward, Corinne D., 395–7340

• Federal Aviation Administration
FAA Grantee's Civil Rights Data—FAR 152
FAA 5190–10
Annually
Airpt oper. subj. to 49 CFR pt. 21 and 14, CFR pt. 152, 2,156 responses; 51,786 hours
Hayward, Corinne D., 395–7340

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—357–7811

Revisions

- Atomic and Molecular Science Survey (CAMS–NRC)

Single time

Atomic and molecular scientists, 4,466 responses; 820 hours

Office of Federal Statistical Policy and Standard, 673–7974

C. Louis Kincannon,

Acting Deputy Assistant Director For Reports Management.

[FR Doc. 80–30078 Filed 9–29–80; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF PERSONNEL MANAGEMENT

Commission on Executive, Legislative, and Judicial Salaries

AGENCY: Commission on Executive, Legislative, and Judicial Salaries.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of the first meeting of the Commission on Executive, Legislative, and Judicial Salaries, to consider organization, work plans, and schedules of activities. The meeting is open to observers.

DATE: 10 a.m., Wednesday, October 15, 1980.

ADDRESS: Room 3104, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C.

FOR FURTHER INFORMATION: After October 6, contact Loraine Halsey, Suite 440, 1815 N. Lynn Street, Arlington, Virginia 22209. Telephone (703) 235–2782.

SUPPLEMENTARY INFORMATION: Pursuant to section 225 of Pub. L. 90–206, the Commission is appointed every fourth fiscal year to make recommendations to the President on the appropriate level of compensation for the Vice President, and for positions in the executive branch from Cabinet officers through positions at level V, for the Members of Congress, for Supreme Court Justices and other members of the Federal Judiciary, and for certain other Federal officers. The Office of Personnel Management is publishing this notice in order to assist the Commission in beginning its work in a timely fashion.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager, Office of Personnel Management.

[FR Doc. 80–30257 Filed 9–29–80; 8:45 am]

BILLING CODE 1323–0202–M

POSTAL RATE COMMISSION

Notice of Visit

September 24, 1980.

Notice is hereby given that Commissioner Clyde S. DuPont will be visiting the Progressive Farmer Company, Birmingham, Alabama, publisher of Southern Living, Progressive Farmer, and other periodicals, on Tuesday, September 30, 1980, for the purpose of acquiring general knowledge of a publisher's operations.

A report of the visit will be on file in the Commission's docket room.

David F. Harris,

Secretary.

[FR Doc. 80–30172 Filed 9–29–80; 8:45 am]

BILLING CODE 7715–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11365; 812–4698]

Hilliard-Lyons Cash Management, Inc.; Filing of an Application of the Act for an Order of Exemption From the Provisions

September 19, 1980.

Notice is hereby given that Hilliard-Lyons Cash Management, Inc. ("Applicant"), 545 South Third Street, Louisville, Kentucky 40202, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 27, 1980, and amendments thereto on July 17, 1980 and July 31, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit the Applicant to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC–9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Maryland on June 5, 1980. Applicant has filed with the Commission a Registration Statement on Form N–1 pursuant to Section 8(b) of the Act and the Securities Act of 1933, as amended. The 1933 Act Registration Statement on Form N–1 has not yet been declared effective. Thus, Applicant has not yet commenced a public distribution of its shares. Applicant states that its investment adviser will be J. J. B. Hilliard, W. L. Lyons, Inc.

Applicant states that it is a "money market" fund, the investment objectives of which are preservation of capital and liquidity while seeking the highest possible current income that is consistent with these objectives. Applicant further states that, by resolution of its Board of Directors, Applicant has adopted a policy of investing its assets exclusively in securities issued or guaranteed by the U.S. Government, its agencies or instrumentalities (which, except for the securities underlying the repurchase agreements within the Applicant's portfolio, will mature in six months or less) or in repurchase agreements collateralized by such securities or in a combination of both government backed securities and repurchase agreements. According to the application, Applicant may enter into repurchase agreements with any member bank of the Federal Reserve System and dealers with which the Federal Reserve conducts open market transactions. Applicant further states that the securities subject to the repurchase agreements within its portfolio may bear maturities in excess of one year. While Applicant may invest all of its assets in repurchase agreements at any given time, Applicant represents that it will not enter into a repurchase agreement of a duration of more than seven business days if, as a result, more than 10% of the value of Applicant's total assets would be so invested.

Applicant further represents that the yield differential between the securities Applicant intends to invest in and other high quality short-term investments such as certificates of deposit, bankers' acceptances and high-grade commercial paper is normally quite small. Should this differential widen significantly, Applicant states that its Board of Directors may at its discretion, but only after 30 days written notice to Applicant's shareholders, authorize investment in securities other than those issued or guaranteed by the U.S. Government, its agencies or

instrumentalities, or in repurchase agreements collateralized by such securities, provided such investments are not prohibited by Applicant's investment restrictions or by applicable federal and state law. Applicant has no present plans to change its policy with regard to the types or maturities of the securities in which it intends to invest.

Applicant states that in calculating its total net assets to determine the offering price of its shares each day, it intends to value all its portfolio securities which, on the date of valuation, have sixty days or less to maturity, on the basis of the amortized cost valuation technique. As stated by the Applicant, the amortized cost valuation technique involves valuing a security at its cost and thereafter assuming a constant amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of the security. Applicant further states that portfolio securities which on the date of valuation have remaining maturities in excess of sixty days and for which market quotations are readily available will be valued at the mean between the bid and asked prices in the over-the-counter market. Securities for which market quotations are not readily available will be valued at their value as determined in good faith in accordance with consistently applied procedures established by and under the general supervision of Applicant's Board of Directors.

Applicant states that its management believes that it would be advantageous for Applicant to maintain a fixed net asset value per share from and after the day upon which Applicant's Registration Statement under the Securities Act of 1933 is declared effective by the staff of the Commission. Accordingly, Applicant's Board of Directors intends to authorize Applicant to effect sales, redemptions, and repurchases of its shares at prices calculated to the nearest one cent on a share having a $1.00 net asset value.

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company.

In Release No. 9786 the Commission issued an interpretation of Rule 2a–4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a–4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is inconsistent with the provisions of Rule 2a–4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' proper portfolio value as required by Rule 2a–4. On the basis of the foregoing, Applicant states that, without an exemption form the provisions of Rules 2a–4 and 22c–1 under the Act, Applicant may be prohibited from determining its net asset value in the manner set forth above.

Section 6(c) of the Act provides in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessasry or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested Applicant states that it wishes to attract individual and institutional investors. Applicant further understands that many of these investors require a "money market" fund which maintains a constant net asset value per share even though this might result in dividends which fluctuate to reflect daily changes in the value of its portfolio securities. Applicant believes that granting of the relief requested would provide Applicant's shareholders, after the effective date of Applicant's Registration Statement, with the convenience of being able to determine the value of their shares of Applicant simply by knowing the number of shares they own, and would make the task of maintaining an investment record easier. Applicant further believes that computing its net asset value per share to the nearest one cent on a share value of $1.00 would eliminate the periodic fluctuation in Applicant's net asset value per share which could occur and which might cause Applicant's shareholders to realize unwanted nominal capital gains and losses upon redemption of their shares.

Applicant asserts that a substantial number of "money market" funds, which will be in direct competition with Applicant, now effect sales, redemptions and repurchases of their shares at prices calculated to the nearest one cent on a share having a $1.00 net asset value. Applicant further states that its Board of Directors has determined in good faith that this method of calculation the net asset value per share of Applicant under such circumstances is appropriate and would be in the best interest of Applicant's shareholders.

Applicant further agrees that the following conditions may be imposed in any order granting the requested exemptions.

1. That Applicant's Board of Directors, in supervising operations and delegating special responsibilities involving Applicant's portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's shares as computed for purposes of effecting sales, redemptions and repurchases, rounded to the nearest one cent, will not deviate from $1.00.[1]

2. That Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that Applicant will neither (a) purchase an instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. That Applicant's purchases of portfolio instruments, including repurchase agreements, will be limited

[1] In this regard, Applicant represents, to the extent necessary, that Applicant's Board of Directors will consider the advisability of temporarily suspending payment of dividends, or making a capital gains distribution (if and to the extent that realized and unrealized capital gains and losses have not been reflected in prior dividends) to maintain a $1.00 price per share if the net asset value per share declines to a value below $.997 or rises to a value above $1.003, respectively.

to those United States dollar denominated instruments which the Board determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

Notice is further given that any interested person may, not later than October 14, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of this interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission therafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–30081 Filed 9–29–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11366; 812–4704]

Security Cash Fund, Inc.; Filing of an Application of the Act for an Order of Exemption From the Provisions

September 19, 1980.

Notice is hereby given that Security Cash Fund, Inc. ("Applicant"), Security Benefit Life Building, 700 Harrison Street, Topeka, Kansas 66636, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on July 22, 1980, and an amendment thereto on September 4, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC–9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Kansas on March 21, 1980. Applicant further states that it has filed with the Commission a Notification of Registration on Form N–8A pursuant to Section 8(a) of the Act, together with a Registration Statement on Form N–1 under the Act and the Securities Act of 1933. The Registration Statement under the Securities Act of 1933 has not yet been declared effective and the Applicant has not yet commenced a public distribution of its shares. Applicant states that its investment adviser will be Security Management Company, Inc.

Applicant states that it proposes to operate as a "money market" fund designed to earn as high a level of current income as is consistent with preservation of capital and liquidity. According to the application, Applicant intends to invest in high grade money market instruments consisting of (i) obligations issued or guaranteed by the United States Government or its agencies or instrumentalities and instruments fully collateralized with such obligations; (ii) obligations of United States banks that are members of the Federal Deposit Insurance Corporation or of savings and loan associations that are members of the Federal Savings and Loan Insurance Corporation; (iii) commercial paper issued by corporations rated Prime-1 or Prime-2 or better by Moody's Investors Service, Inc. or A–1 or A–2 or better by Standard & Poor's Corporation, or other corporate debt instruments rated at least Aaa or Aa or better by Moody's or AAA or AA or better by Standard and Poor's; and (iv) repurchase agreements with respect to any of the foregoing securities (but without limitation as to the maturity dates thereof). Applicant further states that all of its portfolio securities must have maturities of not longer than one year, or be subject to repurchase agreements usually maturing within not more than seven days from the date of purchase. Applicant further intends to maintain a dollar weighted average portfolio maturity of less than 120 days.

According to the application, the net asset value per share of Applicant will be determined on each business day as of the normal close of the New York Stock Exchange by dividing the total value of its portfolio securities and other assets, less liabilities, by the total number of shares outstanding. Applicant further proposes to compute its net asset value per share to the nearest one cent on a share value of one dollar. Securities for which quotations are readily available are valued at the mean of the most recent bid and asked prices. Other assets are valued at fair value under procedures determined in good faith by Applicant's Board of Directors. If market quotations for particular securities are not readily available, then in determining fair value, such securities will generally be valued at prices based on market quotations for securities of similar type, yield, quality and duration, except that securities with less than sixty days to maturity will be valued at amortized cost.

Applicant states that it wishes to maintain a net asset value per share of $1.00; that it will be its policy to distribute daily, on each day it is open for business, all of its net income, increased or reduced by realized or unrealized capital gains and losses. Through a policy of distributing dividends on a daily basis and by "rounding off" its net asset value per share to the nearest penny, Applicant hopes that its net asset value per share will remain constant.

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 under the Act provides, as here relevant that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good

faith by the board of directors of the registered company. In Release No. 9786 the Commission issued an interpretation of Rule 2a–4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a–4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is inconsistent with the provisions of Rule 2a–4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' proper portfolio valuation as required by Rule 2a–4. On the basis of the foregoing, Applicant requests an exemption, from the provisions of Rules 2a-4 and 22c–1 under the Act, to permit its net asset value to be determined in the manner set forth above.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant states that is is anticipated that, as a result of "rounding off" its net asset value per share to the nearest one cent on a share value of one dollar, Applicant's price per share for purposes of sales, redemptions and repurchases, should remain at one dollar under normal circumstances. Applicant further states, however, that it would be difficult to maintain Applicant's net asset value per share at one dollar if Applicant was required to value its shares within one-tenth of one percent as is required under IC–9786.

Applicant further states its belief that the institutional and individual investors who are the potential stockholders of the Applicant are primarily concerned that the net asset value of their shares remain stable. The Applicant anticipates that such stockholders will use these shares of Applicant for cash reserves and balances and that the maintenance of a stable net asset value per share will be crucial to the purchase and holding of Applicant's shares by them. Applicant further asserts that unfair treatment to stockholders of Applicant may result if the Applicant is unable to "round off" its price per share but must value such shares to within one-tenth of one percent, thereby accentuating variations in its share price.

On the basis of the foregoing, Applicant submits that granting of the requested relief is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant further agrees that the following conditions may be imposed in any order granting the requested exemptions.

1. That Applicant's Board of Directors, in supervising operations and delegating special responsibilities involving Applicant's portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that the price per share of Applicant's shares as computed for the purpose of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from one dollar.

2. That Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that Applicant will not (i) purchase an instrument with a remaining maturity of greater than one year, or (ii) maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. That Applicant's purchases of portfolio instruments, including repurchase agreements, will be limited to those United States dollar denominated instruments described above which the Board determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

Notice is further given that any interested person may, nor later than October 14, 1980 at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–30080 Filed 9–29–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series No. 29–80]

Series F–1984 Notes; Interest Rate

September 24, 1980.

The Secretary announced on September 23, 1980, that the interest rate on the notes designated Series F–1984, described in Department Circular—Public Debt Series No. 29–80, dated September 15, 1980, will be 12⅛ percent. Interest on the notes will be payable at the rate of 12⅛ percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistance Secretary.

[FR Doc. 80–30209 Filed 9–29–80; 8:45 am]

BILLING CODE 4810–40–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 191
Tuesday, September 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

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, September 30, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special closed Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Hearing—1—*Title:* Consideration of licenses held by RKO General, Inc. for stations WHBQ-TV, WHBQ, WOR, WXLO(FM), WRKO, WROR(FM), KHJ, KRTH(FM), WGMS, WGMS-FM, KFRC, WAXY(FM) and WFYR(FM). *Summary:* The Commission will consider what action, if any, should be taken with respect to RKO's broadcast licenses in light of its decision in the WNAC-TV (Boston, Massachusetts) proceeding, 78 FCC 2d 1 (1980).

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: September 23, 1980.

[S-1792-80 Filed 9-26-80; 12:48 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., Thursday, September 25, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: Additional item to be considered.

Agenda, Item Number, and Subject

Complaints and Compliance—1—*Title:* Application for Review filed on behalf of the "You Can't Afford Dodd Committee" of the Broadcast Bureau's ruling dated June 10, 1980. *Summary:* The FCC will consider whether to adopt the Broadcast Bureau's ruling which held that the Committee, as an unauthorized political committee, was not entitled to reasonable access, equal opportunities or quasi-equal opportunities.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 23, 1980.

[S-1793-80 Filed 9-26-80; 12:47 pm]

BILLING CODE 6712-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

September 26, 1980.

TIME AND DATE: 10 a.m., September 26, 1980.

PLACE: Room 9306, 825 North Capitol Street, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDEREDED: Deliberations concerning the agency's participation in a civil action.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary.

[S-1791-80 Filed 9-26-80; 10:51 am]

BILLING CODE 6450-01-M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, Issue No. 190, Date of publication: September 29, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., September 30, 1980.

PLACE: 1700 G Street N.W., sixth floor, Washington, D.C.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting:

Application to Acquire—First Savings & Loan Association, El Paso, Tex. and—Authority to Incure Indebtedness—First Financial Enterprises, Inc., El Paso, Tex.

The notice previously sent to the Federal Register on September 25, 1980 had an error in the number at the bottom of the page, the number should have been 395 instead of 350.

No. 396, September 26, 1980.

[S-1796-80 Filed 9-26-80; 3:00 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 2:30 p.m., September 29, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Henry Judy (202-783-4734).

MATTERS TO BE CONSIDERED: Mortgage insurance applications for approval.

No. 397, September 26, 1980.

J. J. Finn,

Secretary.

[S-1797-80 Filed 9-26-80; 3:31 pm]

BILLING CODE 6720-02-M

6

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, October 6, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Federal Reserve Board officer salary administration.
3. Proposed revision of a policy on employee emergency loans.
4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: September 26, 1980.

Theodore E. Allison,

Secretary of the Board.

[S–1799–80 Filed 9–26–80; 4:01 pm]

BILLING CODE 6210–01–M

7

[USITC SE–80–46]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m. Tuesday, October 7, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 701–TA–64 [Preliminary] (Glass-Lined Pressure Vessels from France)—vote.
6. Any items left over from previous agenda.

Portions closed to the public:

5. Investigation 701–TA–64 [Preliminary] (Glass-Lined Pressure Vessels from France)—briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1795–80 Filed 9–26–80; 2:11 pm]

BILLING CODE 7020–02–M

8

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

TIME AND DATE: 8 a.m., October 9, 1980.

PLACE: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

STATUS: All discussions will be open to the public except faculty appointments which may be closed if discussion of individuals is involved.

MATTERS TO BE CONSIDERED:

8 a.m.

Meeting—Board of Regents.

(1) Approval of Minutes, 24 May 1980; (2) Faculty Appointments; (3) Admissions—Class of 1984; (4) Financial Report; (5) Report—Acting President; (6) Report—Dean, School of Medicine—(a) Report of 1980 Faculty Retreat—Associate Dean; (b) Delegation of Authority for Academic Appointments; (c) USUHS Awards; (d) Revised Appointment, Promotion and Tenure Document.

New Business.

Scheduled meetings.

CONTACT PERSON FOR MORE INFORMATION: FRANK M. REYNOLDS, EXECUTIVE SECRETARY OF THE BOARD, 202/295–3025.

GENERAL COUNSEL CERTIFICATION: I certify that the portion of this meeting for discussion of faculty appointments may be closed to the public under 5 U.S.C. § 552b(c)(6) and that the meeting may be closed to public observation.

Merel P. Glaubiger,

Legal Counsel.

M. S. Healy,

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

September 25, 1980.

[S–1794–80 Filed 9–26–80; 12:47 pm]

BILLING CODE 3810–70–M

federal register

Tuesday
September 30, 1980

Part II

Department of the Treasury

Internal Revenue Service

Improving Government Regulations: Semiannual Agenda of Regulations

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of September 1, 1980, that the Internal Revenue Service will be developing from September 1, 1980 through March 31, 1981. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: George H. Bradley, Chief, Technical Section, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:LR:T. 202-566-3486, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Executive Order 12044, "Improving Government Regulations," and Treasury Directive 50-04.F, "Criteria and Procedures for the Preparation, Review, and Approval of Regulations," require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. In the **Federal Register** of Wednesday, November 1, 1978, it was announced that the Internal Revenue Service will publish its semiannual agenda on March 31 and September 30 of each calendar year. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** of Tuesday, March 31, 1981.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of August 31, 1980, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into three parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive. Part IV lists the various regulation projects closed since February 29, 1980, which was the closing date with respect to which the last semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the last semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. *1954 Code Section and File Number.*—The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained.

2. *Subject, Drafter, and Reviewer.*—The second column names the part of Title 26 of the Code of Federal Regulations to be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. *Office in Which Pending and Status.*—The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. *Priority and Regulatory Analysis.*—The fourth column discloses the relative degree of importance and necessity for publication assigned to the regulation. A priority of #1 shows that the project is of substantial importance; a priority of #2 shows that the project is of medium importance; and a priority of #3 shows that the project is of lesser importance. If a regulatory analysis is required for a project, a note to this effect and whether the regulatory analysis has been prepared appears in this column.

Dated: September 10, 1980.

By direction of the Secretary of the Treasury.

Jerome Kurtz,

Commissioner of Internal Revenue.

Part I.—*Regulations Under Development in the Legislation and Regulations Division*

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 3, 4, 144; LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301 (b), (c), Rev. Act 1971; § 501, TRA 1976) (/Saverude).	LR—In LR for prep of notice	2
§§ 11, 21; LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901 (a), (e), (2)) (Murphy/Saverude).	LR—In LR for prep of notice	2
§§ 37; LR-250-76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, §§503, 1901 (c) (1)) (Francis/Bromell—TLC-Yecies).	Commr.—2/27/80 Notice pub. 8/27/80 T.D. to Commr. for formal approval.	2
§§ 46,47; LR-92-73	Inc. Tax—Part 1—Tax treatment of mass assets for investment credit purposes (Mull/Blumkin).	Treas.—11/15/79 Notice to Treas. for formal approval	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 46, 47, 48; LR-73-75	Inc. Tax—Part 1—Changes in investment credit (§§ 301, 302, 604, TRA 1975, P.L. 94-12) (Mull/Whedbee).	LR—1/30/79 Notice pub. 6/27/79 Hrg. held In LR for Prep of T.D.	2
§§ 46; LR-139-76	Inc. Tax—Part 1—To conform to changes made by sec. 802, TRA 1976, and sec. 301 (a), Energy Tax Act 1978 (Pearson/Blumkin—TLC-Sims).	LR—7/10/80 Notice pub.	2
§ 46 (f), (l); LR-241-74	Inc. Tax—Part 1—Ratemaking treatment of certain public utility property (Lanning/Fischer—TLC-Gallagher).	LR—In LR for prep of notice	2
§ 46(g); LR-248-76	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA (McKee/Blumkin).	LR—In LR for prep of notice	3
§§ 46, 47; LR-4-78	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1976, § 805) (McKee/Blumkin).	LR—In LR for prep of notice	3
§ 48; LR-228-78	Inc. Tax—Part 1—Investment credit for cooperatives (RA 1978, § 316) (Kissel/ —TLC-Shakow).	LR—In LR for prep of notice	2
§ 48; LR-228-78	Inc. Tax—Part 1—Definition of new and used sec. 38 property (Swift/Whedbee—TLC-Sims).	Commr.—7/16/80 T.D. to Commr. for formal approval	2
§§ 48; LR-88-79	Inc. Tax—Part 1—Single purpose agricultural structure (RA 1978, § 314) (Swift/Blumkin—TLC-Sims).	Commr.—8/7/80 Notice to Commr. for formal approval	1
§ 48(l); LR-165-77	Inc. Tax—Part 1—Definition of energy property for the business investment credit (Energy Tax Act 1978, § 301) (Mull/Blumkin—TLC-Schuldinger/Roche).	TLC and Tech—7/8/80 Notice fwd. for formal approval	1
§ 48; LR-191-78	Inc. Tax—Part 1—Investment credit for rehabilitated buildings (RTA 1978, § 315) (Murphy/Woo—TLC-Goodman).	TLC—1/31/80 Draft of notice to TLC and T:C 4/7/80 Comments from T:C.	1
§§ 50A, 50B; LR-200-78	Inc. Tax—Part 1—Relating to WIN credit (RA 1978, § 322) (Charnas/Bromell—TLC-Yecies).	TLC and T:C—4/30/80 Notice pub. 8/8/80 Draft of T.D. to TLC and T:C.	2
§ 51; LR-199-78	Inc. Tax—Part 1—Amount of jobs credit (RA 1978, § 321) (Charnas/Woo—TLC-Yecies).	TLC—12/28/79 Notice pub. 4/24/80 Hrg. held 7/8/80 Draft of T.D. to TLC and T:I 7/16/80 Comments from T:I.	1
§§ 55, 3(b), 5(a), 57(a), (b), 58(g)(2), 441(b), 443(d), 453(c), 511(d), 666 (b), (c), 871(b), 877(b), 904(h), 6015(c), 6363(b), 6654(f); LR-210-78.	Inc. Tax—Part 1—Alternative minimum tax (RA 1978, §§ 401 (b)(1), 421, 423; Technical Corrections Act 1979, §§ 104 (a)(4), 107(a)(1)(A)) (Harman/Smith).	LR—In LR for prep of notice	2
§§ 56, 57, 58; LR-151-76	Inc. Tax—Part 1—Minimum tax (TRA 1976, § 301, TR&SA, § 308; RA 1978, § 421 (b), (c), 423, 701; Technical Corrections Act 1979, § 107 (a)(1)(C)) (Coplan/Smith—TLC-Goodman).	TLC—4/23/80 Draft of notice [part 1] to TLC and T:I 7/24/80 Comments from T:I.	2
§ 57; LR-209-78	Inc. Tax—Part 1—Minimum tax—TRA 1976, § 301, TR&SA 1977, § 308; Energy Tax Act 1978, §§ 402, 403; RA 1978, § 422) (Copian/Smith).	LR—In LR for prep of notice	2
§ 61; LR-87-78	Inc. Tax—Part 1—Gross income—Taxation of fringe benefits (Parcell/Fischer—TLC-Krupsky).	TLC and T:I—6/13/79 Draft of notice to TLC and T:I	1
§ 61; LR-194-77	Inc. Tax—Part 1—Nonqualified salary reduction agreements (/Dickinson—TLC-Sorensen).	LR—2/3/78 Notice pub. 5/4/78 Hrg. held 6/11/79 New Release issued soliciting further comment 11/27/79 Hrg. held.	1
§§ 61, 162, 174, 263, 471; LR-253-76	Inc. Tax—Part 1—Prepublication expenditures of publishers (Clark/Fischer—TLC-Roche).	TLC—4/9/79 Draft of notice to TLC and T:C 4/18/79 Comments from T:C.	2
§ 72; LR-19-80	Inc. Tax—Part 1—Unisex annuity tables (Parcell/Fischer—TLC-Krupsky).	LR—In LR for prep of notice	2
§ 79; LR-42-78	Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Parcell/Fischer—TLC-Krupsky).	TLC, T:I, E:A—7/30/80 Draft of notice to TLC, T:I, E:A	1
§ 83; LR-95-77	Inc. Tax—Part 1—Reporting requirements for nonqualified stock options (TRA 1969, § 321) (Lanning/Fischer—TLC-Sorensen.	TLC—9/20/77 Notice pub. 3/20/78 Hrg. held 9/24/79 Withdrawal notice to TLC and T:I 8/15/79 Comments from T:I.	2
§§ 103, 61, 162, 16, 165, 171, 249, 1232; LR-70-77.	Inc. Tax—Part 1—To provide for the tax consequences of refunding industrial development bonds to the issuer, bondholder and industrial user (Thompson/Coulter—TLC-Krupsky).	TLC and T:I—12/6/77 Notice pub. 3/15/78 Hrg. held 2/6/79 2d Notice pub. 5/1/80 Draft of revised notice to TLC and T:I.	1
§ 103-8; LR-182-79	Inc. Tax—Part 1—To clarify the "substantially all" test (Carney/Coulter).	LR—In LR for prep of notice	2
§ 103-10; LR-245-79	Inc. Tax—Part 1—To provide "timing" requirements for exempt small issues (Ausness/Coulter).	TLC and Tech—8/21/80 Draft of T.D. to TLC and Tech	2
§ 103(a); LR-8-73	Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Coulter—TLC-Melton).	TLC—2/2/76 Notice pub. 4/26/76 Hrg. held 2/20/80 Rev. draft of T.D. to TLC.	1
§ 103(b); LR-233-78	Inc. Tax—Part 1—To clarify the definition of an airport (MacMaster/Coulter—TLC-Gallagher).	Treas.—1/5/79 Notice pub. 5/1/79 Hrg. held 5/22/80 T.D. to Treas. for formal approval.	1
§ 103(b); LR-11-76	Inc. Tax—Part 1—To determine rules relating to acquisition of exempt facilities by a regional authority (MacMaster/Coulter—TLC-Gallagher).	TLC—6/28/77 Draft of notice to TLC, T:C, T:I 10/15/77 Comments from T:C 1/23/78 Comments from T:I.	2
§ 103(b); LR-59-74	Inc. Tax—Part 1—To define the term "principal user of a facility" (Tolleris/Coulter—TLC-Gallagher).	TLC and T:I— 8/29/80 Rev. draft of notice to TLC and T:I	1
§ 103(b)(6)(D) and (l); LR-117-79	Inc. Tax—Part 1—Increase in limit on small issues of industrial development bonds (RA 1978, § 331) (Tolleris/Coulter—TLC-Gallagher).	TLC—12/19/79 Draft of notice to TLC and T:I 7/10/80 Comments from T:I.	1
§ 103(b); LR-9-75	Inc. Tax—Part 1—To clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-Roche).	TLC—8/20/75 Notice pub. 11/21/75 Hrg. held 3/9/79 Draft to T.D. to TLC and T:C 6/19/79 Comments from T:C.	1
§ 103(c); LR-101-79	Inc. Tax—Part 1—To make changes to rules relating to arbitrage bonds (Flanagan/Coulter).	TLC and T:I—7/11/80 Draft of notice to TLC and T:I	2
§ 103-8(f); LR-100-75	Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility and to conform to statutory exemption for industrial development bonds for qualified steam-generating or alcohol-producing facilities (Crude Oil Windfall Profit Tax Act 1980, § 241) (MacMaster/Coulter—TLC-Roche).	TLC—1/18/79 Draft of notice to TLC and T:C 3/14/79 Comments from T:C.	1

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 104 (a), (b), 105 (d); LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc. disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Parcell/Fischer—TLC-Krupsky).	LR—7/9/80 Notice pub.	2
§ 118(b); LR-136-76	Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, § 2120; TRA 1978, § 364) (Levine/Blumkin—TLC-Gallagher).	LR—5/30/78 Notice pub. 9/27/78 Hrg. held In LR for prep of final draft of revised notice.	1
§ 124; LR-193-78	Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, § 242) (Schmalz/Fischer—TLC-Yecies).	TLC and T:I— 8/28/80 Draft of notice to TLC and T:I	3
§§ 126, 1255; LR-222-78	Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under governmental programs (RA 1978, § 543) (Mix/Fischer—TLC-Krupsky).	TLC and Tech—4/10/80 Rev. draft of notice to TLC and Tech.	1
§§ 162, 62, 262, 3121, 3306, 3401; LR-173-77	Inc. Tax—Part 1—Emp. Tax—Part 31—Deductibility of certain transportation expenses (Cubeta/ > Saverude—TLC-Roche).	LR—Awaiting further consideration	1
§§ 162, 4945; LR-190-77	Inc. Tax—Part 1—To provide better definitions in the area of political advertising and grass roots lobbying (Francis/Bromell—TLC-Sims).	Treas.—7/1/80 Notice of Treas. for formal approval	1
§§ 163(d), 703(b); LR-1639	Inc. Tax—Part 1—Limitation on interest deduction (TRA 1969, § 221; RA 1971, § 304; TRA 1976, §§ 209, 901 (b)(21)(F)) (Parcell/Fischer—TLC-Baneman).	LR—11/28/77 Notice ret'd. to LR for revision	1
§ 166(f); LR-1173	Inc. Tax—Part 1—Deductions for addition to a reserve for certain guaranteed debt obligations (P.L. 89-722) (Mix/Fischer—TLC-Roche).	LR—7/11/80 Notice pub.	3
§ 167; LR-177-78	Inc. Tax—Part 1—To prevent treatment of regular sales of assets leased on purchase-option arrangements as ordinary retirements under ADR (Flanagan/Coulter—TLC-Krupsky).	TLC and T:I—3/31/80 Draft of notice to TLC and T:I	2
§ 167; LR-261-79	Inc. Tax—Part 1—To require a contribution to property from a CLADR account to be treated as an extraordinary retirement (Flanagan/Coulter).	LR—In LR for prep of notice	2
§ 167(a); LR-107-78	Inc. Tax—Part 1—Relating to conventions for vintage accounts (Kissel/Blumkin).	TLC and T:C—11/15/79 Notice pub. 3/27/80 Hrg. held 7/9/80 Draft of T.D. to TLC and T:C.	2
§§ 167(l); LR-172-79	Inc. Tax—Part 1—Ratemaking treatment of public utility property (Lanning-Fischer—TLC-Gallagher).	LR—In LR for prep of notice	1
§§ 167 (n), (o), 280B, 1082(a)(2)(B), 1250(b)(3); LR-35-80.	Inc. Tax—Part 1—Depreciation of certain rehabilitation expenditures for, and disallowance of deductions for amounts expended in demolishing certain historic structures (TRA, 1976§ 2124) (Murphy/Saverude).	LR—In LR for for prep of notice	2
§ 167(q); LR-189-78	Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil and gas boilers (Energy Tax Act, § 301 (e)) (Dean/Coulter—TLC-Schuldinger/Roche).	TLC—8/30/79 Rev. draft of notice to TLC and T:C 9/17/79 Comments from T:C.	2
§ 169 (d)(1), (4); LR-193-76	Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1976, § 2112 (b), (c)) (MacMaster/Coulter).	LR—In LR prep of notice	2
§ 170; LR-272-76	Inc. Tax—Part 1—Charitable contributions of inventory (TRA 1976, §§ 2035, 205(C)(1), 1502(c)(2), 1307 (c), (d)(1), 1212 (b)(1), (c), 1901 (a)(28), (b)(8), 2124(e)(1)) (Murphy/Saverude—TLC-Sims).	LR—3/20/80 Notice pub. 7/15/80 Hrg. held	2
§§ 170(f)(3), 2055(e)(2), 2522(c)(2); LR-200-76	Inc. Tax—Part 1—Est. Tax—Part 20—Gift Tax—Part 25—Transfers of partial interests in property for conservaton purposes (TRA 1976, § 2124(e); TR&SA, § 309) (Small/Smith—TLC-Sims).	TLC & Tech—9/17/79 Draft of notice to TLC and Tech	3
§§ 170, 537(b); LR-218-78	Inc. Tax—Part 1—Net operating losses attributable to product liability losses (RA 1978, § 371) (Carney/Coulter).	TLC & Tech—8/29/80 Draft of notice to TLC and Tech	2
§ 175; LR-1947	Inc. Tax—Part 1—Soil & water conservation expenditures—*Estate of Howard L. Straughn,* 55 T.C. 21 (1971) (Francis/Bromell—TLC-Melton).	TLC & Tech—2/27/80 Notice pub. 7/30/80 Final draft of T.D. to TLC and Tech.	2
§ 179(d)(8); LR-256-76	Inc. Tax—Part 1—Dollar limitation with respect to additional first-year depreciation allowance for small business in case of partnerships (Parcell/Fischer).	TLC—7/13/79 Draft of notice to TLC and T:C 10/17/79 Comments from T:C.	2
§ 183(e); LR-61—74	Inc. Tax—Part 1—Election to postpone application of sec. 183(d) presumption (§ 311, RA 1971; TRA 1976, § 214) (Clark/Fischer—TLC-Baneman).	LR-9/18/75 Notice approved by Tech—New provisions to be added.	3
§ 189; LR-145—76	Inc. Tax—Part 1—Amortization of real property construction period interest & taxes TRA 1976, § 201; RA 1978, §§ 701(m)(1) and 701(e)) (Schmalz/Fischer—TRC-Gallagher).	TLC—3/20/79 Draft of notice to TLC and T:I 4/16/79 Comments from T:I.	1
§ 192; LR-62-78	Inc. Tax—Part 1—Contributions to Black Lung Benefit (Blck Lung Benefit Trust Rev. Act 1977, § 4(b)) (Stevenson/Woo—TLC-Copeland).	EO—3/27/80 Draft of notice to TLC, T:C, EO 4/23/80 Comments from T:C 7/17/80 Comments from TLC.	2
§ 217; LR-230-78	Inc. Tax—Part 1—Moving expenses (Foreign Earned Income Act 1978, § 204, P.L. 95-617) (/Woo—ITC-Dolan).	LR-5/22/80 Notice pub.	2
§ 263(c); LR-202-78	Inc. Tax—Part 1—Intangible drilling costs (Energy Tax Act 1978, § 402(a)) (Cubeta/Woo—TLC-Schuldinger).	LR-1/30/80 Notice pub.	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 274(h); LR-260-76	Inc. Tax—Part 1—Deductions for attending foreign conventions (TRA 1976, § 602) (Carney/Coulter—TLC-Levinson).	TLC & Tech—7/31/80 Final draft of notice to TLC and Tech	2
§ 277; LR-1721	Inc. Tax—Part 1—Taxaton of non-exempt membership organizatoins (TRA 1976, § 121(b)(3)) (Clark/Fischer).	LR-5/6/72 Notice pub. 8/8/72 Hrg. held 11/8/79 Rev. notice ret'd. to LR.	2
§ 280; LR-220-76	Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records and other similar property (TRA 1976, § 210 (a), (b)) (Parcell/Fischer—TLC-Krupsky).	TLC—7/1/77 Rev. draft of notice to TLC and T:I 2/14/78 Comments from T:I.	3
§ 280A; LR-261-76	Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental of vacation homes (TRA 1976, § 601) (Francis/Coulter—TLC-Baneman).	LR-8/7/80 Notice pub.	1
§ 303; LR-124-76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC and T:C 5/17/77 Approved by T:C.	2
§ 305; LR-91-74	Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kissel/Blumkin—TLC-Yecies).	TLC & T:C—7/31/80 Final draft of notice to TLC and T:C	2
§ 337; LR-227-78	Inc. Tax—Part 1—60-day extension of 12-month period if there is an involuntary conversion (P.L. 95-628) (Axelrod/Blumkin—TLC-Krupsky).	Treas.—1/30/80 Notice pub. 8/20/80 T.D. to Treas. for formal approval.	2
§ 337; LR-130-76	Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, §§ 2118, 1901 (a)) (Swift/Whedbee—TLC-Krupsky).	TLC—3/31/80 Draft of notice to TLC and T:C 5/2/80 Comments from T:C.	2
§ 351; LR-754	Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by a transferee (Swift/Blumkin—TLC-Yecies).	LR-12/7/77 Draft of notice ret'd. to LR for revisoin	2
§§ 351, 368; LR-1993	Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Levine/Blumkin).	LR-6/17/80 Notice to DED for formal approval	1
§ 355; LR-936	Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (/Blumkin).	TLC & C—1/13/77 Notice pub. 1/21/77 Notice repub. 3/31/80 Draft of T.D. to TLC and T:C.	1
§ 367; LR-2-78	Inc. Tax—Part 1—Changes in ruling requirements under sec. 367 (other than subsec. (a)(2)) (TRA 1976, § 1042(a)) (Horowlitz/Felton—ITC-Dolan.	LR—12/30/77 Notice under LR-230-76 10/5/79 Temp. Regs. pub.—T.D. 7646 10/5/79 Notice pub. 2/27/80 Hrg. held.	1
§ 367 (a)(2);LR-231-76	Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, § 1042(a)) (Dean/Felton—ITC-Hannes).	LR—In LR for prep of notice	1
§ 368; LR-93-79	Inc. Tax—Part 1—Clarification of continuity of business enterprise requirement for corporate reorgs. (Mull/Blumkin.	LR—12/28/79 Notice pub. 3/18/80 Hrg. held	1
§§ 368(a)(2)(F), 721, 722, 723, 683; LR-135-76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Mull/Blumkin—TCL-Rabinovitz/Krupsky).	TLC and T:C—5/22/80 Rev. draft of notice to TLC and T:C	1
§ 368 (a)(2)(E), (b)(2); LR-1994	Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (P.L. 91-693) (Levine/Blumkin).	Commr.—4/23/80 Notice to Commr. for formal approval	1
§ 385 LR-1661	Inc. Tax—Part 1—Treatment of certain corporate interests as stock or indebtedness (TRA 1969, § 415) (Levine/Blumkin—TLC-Baneman).	LR— 3/24/80 Notice pub. 7/23/80 Hrg. held	1
§ 414 (b), (c); LR-209-74	Inc. Tax—Part 1—Definition and special rules (P.L. 93-406, § 1015) (McKee/Blumkin—TLC-Sorensen).	TLC & EP—11/5/75 Notice pub. 11/19/79 Rev. draft of T.D. to TLC and EP.	3
§ 414 (c); LR-113-80	Inc. Tax—Part 1—Facts and circumstances test for common control (McKee/Blumkin).	LR—In LR for prep notice	3
§ 446(e); LR-188-79	Inc. Tax—Part 1—Requests for change of method of accounting from an erroneous method of accounting (Lanning/Fischer—TLC-Brown).	TLC—4/4/80 Draft of notice to TLC & T:C 4/15/80 Comments from T:C.	1
§§ 446(e), 481; LR-47-80	Inc. Tax—Part 1—Clarification of relationship between secs. 446(e) and 481 (Parcell/Fischer).	TLC—7/28/80 Draft of notice to TLC and T:C 8/15/80 Comments from T:C.	1
§ 447; LR-143-76	Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, § 207(c)) (Clark/Fischer—TLC-Melton).	TLC—5/18/78 Draft of notice to TLC and T:C 6/26/78 Comments from T:C.	1
§ 458; LR-195-78	Inc. Tax—Part 1—Exclusion from gross income with respect to magazines, paperbacks and records returned after close of taxable year (RA 1978, § 372) (Schmalz/Fischer—TLC-Brown).	TLC & T:C—12/10/79 Draft of notice to TLC and T:C	2
§ 461; LR-190-76	Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, §§ 208, 1901(a)(69)) (Parcell/Fischer—TLC-Sims).	TLC—10/23/79 Rev. draft of notice to TLC and T:I 12/20/79 approved by T:I.	2
§§ 463, 81; LR-6-75	Inc. Tax—Part 1—Accrual of vacation pay (P.L. 93-625) (Clark/Fischer—TLC-Brown).	TLC—3/28/78 Rev. draft of notice to TLC and T:C 4/19/78 Comments from T:C.	1
§§ 464, 278(b); LR-144-76	Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, § 207(a),(b)) (Clark/Fischer—TLC-Melton).	TLC—11/7/78 Rev. draft of notice to TLC and T:I 11/22/78 Comments from T:I.	1
§ 465; LR-168-76	Inc. Tax—Part 1—Determination of amounts at risk with respect to certain activities (TRA 1976, § 204) (Clark/Fischer—TLC-Levinson).	TLC—6/5/79 Notice of pub. 9/27/79 Hrg. held 11/7/79 Draft of T.D. to TLC and T:I 12/28/79 Comments from T:I.	1
§ 466; LR-217-78	Inc. Tax—Part 1—Qualified discount coupons returned after close of taxable year (Schmalz/Fischer).	TLC—4/1/80 Draft of notice to TLC and Tech 4/2/80 Comments from Tech.	3
§ 471; LR-2158	Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Schmalz/Fischer—TLC-Brown).	TLC—6/1/77 Final draft of notice to TLC	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 472; LR-84-77	Inc. Tax—Part 1—Conformity requirement incident to use of LIFO inventory method; Use of market value (Lanning/Fischer—TLC-Brown).	LR—7/20/79 Notice pub. 7/28/80 T.D. ret'd. to LR for revision	1
§ 482; LR-307-76	Inc. Tax—Part 1—Allocation of income and deductions among taxpayers to revise percentage applied in determining rental charge for use of tangible property to reflect amdt. of regs. to provide for a "safe haven" imputed interest rate of 6-8 percent (Schreiner/Felter—ITC-Langebein).	LR—1/19/79 Notice ret'd to LR by CC/LS for revision	2
§§ 482, 483; LR-221-78	Inc. Tax—Part 1—Imputed interest rates (Schmalz/Fischer—ITC-Rabinovitz).	LR—8/29/80 Notice pub	1
§ 512(a)(3); LR-1744	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Mix/Fischer—TLC-Sims).	TRC—5/13/71 Notice pub. 8/31/71 Hrg. held 7/3/80 Rev. draft of T.D. to TLC.	2
§ 527; LR-16-75	Inc. Tax—Part 1—Political organizations (P.L. 93-625) (/Felton—TLC-Krupsky).	TLC and Tech—11/24/76 Notice pub. 2/24/77 Hrg. held 8/25-80 Final draft of T.D. to TLC and Tech.	1
§ 532; LR-125-78	Inc. Tax—Part 1—To apply accumulated earnings tax to corps. accumulating E&P to avoid income tax on certain foreign corp. shareholders (Klein/Felton—TLC-Krupsky/Dolan).	LR—9/18/79 Notice to CC/DED for formal approval	3
§§ 541-45, 551-55; LR-680	Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (§ 225, in part), RA 1964; also P.L.'s 89-809, § 104(h), 206; 91-172, § 101(j)(16); TRA 1976, §§ 211, 2106) (Thompson/Saverude—TLC-Gallagher).	TLC—9/5/68 Notice pub. 11/3/76 Draft of rev. notice to TLC and T:C 11/30/78 Comments from T:C.	2
§§ 584 (a)(1), (c)(1)(A) and (B), (c)(2), (e), 6032; LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L.'s 94-414, § 1; 94-455; TRA 1976, §§ 2136(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	Treas.—5/30/80 Notice to Treas. for formal approval	2
§ 593 (b)(3), (4), (5); LR-152-73	Inc. Tax—Part 1—Reserves for losses on loans of mutual savings banks, etc. (TRA 1969, § 432(a)) (Thompson/Coulter—TLC-Roche).	LR—In LR for prep of notice	3
§§ 612, 613; LR-1148	Inc. Tax—Part 1—Restoration of depletion deductions on bonus and advanced royalties in certain cases (Woo/Bromell—TLC-Sims).	LR—12/6/79 Notice ret'd. to LR for revision	1
§ 613; LR-2073	Inc. Tax—Part 1—Percentage depletion deductions—To clarify rules relating to determination of gross income from the property in the case of oil and gas wells (Woo/Bromell—TLC-Sims).	TLC—5/3/73 Partial draft of notice to TLC and T:C Comments from T:C.	1
§ 613(b); LR-2072	Inc. Tax—Part 1—Percentage depletion rates (TRA 1960, § 501); also P.L. 89-809, §§ 207, 208, 209 (Woo/Bromell—TLC-Schuldinger).	TLC—12/12/78 Rev. draft of notice to TLC and T:C 8/80 Comments from T:C.	1
§§ 613A, 703(a), 705(a); LR-105-75	Inc. Tax—Part 1—Supplementary rules on limitations on percentage depletion for oil & gas (TRA 1975, § 501; TRA 1976, §§ 1901(a)(86), 2115) (Woo/Bromell—TLC-Schuldinger).	TLC—5/13/77 Notice pub. 8/31/78 Hrg. held 8/2/78 Draft of T.D. to TLC and T:C.	1
§ 642(g); LR-183-76	Inc. Tax—Part 1—Certain expenses of estates (TRA 1976, § 2009(d)) (Waltuch/Smith—TLC-Sorensen).	LR—In LR for prep of final draft of notice	3
§§ 644, 641(b); LR-188-76	Inc. Tax—Part 1—Special rule for property transferred at less than fair market value (TRA 1976, § 701(e)) (RA 1978, § 701(p)) (Kusma/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
§§ 664, 170A, 25.2522; LR-42-73	Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (/Woo—TLC-Goodman).	TLC and T:I—11/16/79 Draft of notice to TLC and T:I	3
§§ 667, 666(e), 668, 665 (b), (e)-(g), 669, 1302 (a)(2)(B), (b)(2)(B), 6401(b); LR-184-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Accumulation trusts (TRA 1976, §§ 701 (a)-(d), (f), 1014) (Hartley/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
§§ 679, 678(b), 643 (a), (c)(C), (D), (d), 6048, 6677; LR-187-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, § 1013) (Kusma/Smith—ITC-Langbein).	LR—8/6-80 Draft of notice ret'd. to LR for revision	1
§ 704(b); LR-262-76	Inc. Tax—Part 1—Determination of partner's distributive share (TRA 1976, § 213(d)) (Cubeta/Bromell—TLC-Levinson/Gallagher).	TLC and T:I—11/30/78 Draft of notice to TLC and T:I	1
§§ 706(c)(2)(B), 704; LR-265-76	Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, § 213(c)) (Francis/Bromell—TLC-Levinson/Gallagher).	TLC—3/27-79 Draft of notice to TLC	1
§ 707(c); LR-2127	Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213(b)(3) of TRA 1976 and to the *Miller* and *Carey decisions* (Francis/Bromell—TLC-Levinson).	TLC—3/12/78 Draft of notice to TLC and T:I 4/22/76 Comments from T:I.	1
§ 709; LR-266-76	Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, § 213(b)) (/Bromell—TLC-Gallagher).	TLC and T:I—1/11/80 Notice pub. 5/21-80 Hrg. held 8/8/80 Draft of T.D. to TLC and T:I.	2
§§ 856-860, 172 (b), (d), 316(b), 381(c)(25), 443(e)(5), 4981, 6161(b), 6211-6213(a), 6214, 6344(a), 6422, 6503(i), 6512, 6515, 6601(c), 6697, 7422; LR-218-76.	Inc. Tax—Part 1—Real Estate Investment trusts (TRA 1976, §§ 1601-1608, 1901 (a), (b), 1906 (a), (f)), (P.L. 93-625, § 6) (Whedbee/Blumkin—TLC-Levinson).	TLC—7/7/78 Notice pub. 12/20/78 Hrg. held 5/14/79 Draft of T.D. to TLC and T:FP 6/25-79 Comments from T 11/6/79 Changed pages to TLC.	2
§ 860; LR-183-78	Inc. Tax—Part 1—Real estate investment trusts and regulated investment companies (RA 1978, § 362) (Whedbee/Blumkin—TLC-Levinson).	TLC and T:I—3/31/80 Notice pub. 7/31/80 Draft of T.D. to	2
§ 861(a)(1)(B); LR-173-75	Inc. Tax—Part 1—To determine source of interest on court judgments, source of commitment fees and acceptance fees, and application of § 861 to interest paid by certain domestic corps.—Amdt. of § 1.861-4 to determine application of payroll cost method (Bouknight/Felton—TLC-Langbein).	LR—6/2/78 Notice ret'd. to LR for revision	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 861(a)(1)(H); LR-41-75	Inc. Tax—Part 1—Subch. N—As added by sec. 9(a) of P.L. 93-625, with respect to source of interest of certain debt obligations (Renfroe/Felton—TLC-Dolan).	LR—In LR for prep of notice	3
§ 861(a); LR-215-78	Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverude—ITC-Langbein).	ITC—6/26/79 Draft of notice to ITC and T:C 7/13/79 Comments from T:C.	1
§ 861(a)(7); LR-71-77	Inc. Tax—Part 1—Source of income of underwriting income (TRA 1976, § 1036) (Schmalz/Fischer—ITC-Dolan).	LR—In LR for prep of notice	2
§ 861(f); LR-184-79	Inc. Tax—Part 1—To provide rules for the treatment of income from certain railroad rolling stock as income from sources within the U.S. (Bouma/Felton—ITC-Fogarasi).	LR—In LR for prep of notice	2
§ 871; LR-9-80	Inc. Tax—Part 1—Clarification of the computation of taxable income of dual status taxpayer (Feldman/Felton).	LR—In LR for prep of notice	3
§§ 871, 881, 1441, 1442; LR-2043	Inc. Tax—Part 1—Original issue discount (RA 1971, § 313) (Schreiner/Felton—ITC-Langbein.	LR—7/12/76 Notice pub. 11/18/76 Hrg. held 4/20/79 T.D. ret'd. to LR with comments.	1
§ 882; LR-86-79	Inc. Tax—Part 1—Allowance of deductions to foreign corps (Bouma/Saverude—TLC-Krupsky).	LR—2/27/80 Notice pub. 6/4/80 Hrg. held	1
§ 892; LR-110-80	Inc. Tax—Part 1—Rules for determining whether loans or net leases are commercial activities (Kadue/Felton).	LR—7/22/80 Notice pub	1
§§ 901, 903; LR-100-78	Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Horowitz/Felton—ITC-Hannes).	Treas.—6/20/79 Notice pub. 10/11/79 Hrg. held 5/9/80 T.D. and Notice to Treas. for formal approval 8/26/80 Changed pages to ITC.	1
§ 901(f); LR-65-75	Inc. Tax—Part 1—Certain payments for oil or gas not to be considered as taxes (TRA 1975, P.L. 94-12, §§ 275(a), 901, 601(b)) (Duffy/Blumkin—ITC-Hannes).	Treas.—11/28/79 Notice to Treas. for formal approval	1
§ 902; LR-196-75	Inc. Tax—Part 1—To clarify rules for determining earnings and profits of a foreign corp. and amount of creditable foreign taxes (Schreiner/Felton—ITC-Hannes).	LR—4/7/80 Notice ret'd. to LR for revision	1
§ 904(b) (2) and (3); LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(c) (2) and (3)) (Feldman/Felton—ITC-Dolan).	ITC—10/25/79 Draft of notice to ITC and T:C 12/18/79 Comments from T:C 6/20/80 Rev. draft of notice to ITC.	1
§ 904(e); LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign tax credits as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976) (Bouman/Felton—ITC-Dolan).	ITC and T:C—7/31/80 Draft of notice to ITC and T:C	2
§ 904(f); LR-3-77	Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, § 1032) (Renfroe/Felton—ITC-Hannes).	ITC and T:C—8/25/80 Draft of notice to ITC and T:C	1
§ 907; LR-70-75	Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil and gas income (TRA 1975, § 601; TRA 1976, § 1035) (Duffy/Blumkin—ITC-Hannes).	Treas.—5/8/79 Notice to Treas. for formal approval	1
§§ 911, 913; LR-2-79	Inc. Tax—Part 1—Treatment of foreign earned income derived by U.S. citizens and residents (Foreign Earned Income Act 1978, §§ 4, 202, 203) (Dean/Felton—ITC-Dolan).	Commr.—5/9/79 Notice pub. 8/28/79 Hrg. held 8/21/80 T.D. to Commr. for formal approval.	1
§§ 936, 33, 931, 901 (d), (g), 904(b), 243(b)(1), 246, 1504(b)(4), 48(a)(2)(B), 116(b)(2), 861(a)(2)(A), 6091(b)(2); LR-247-76.	Inc. Tax—Part 1—Tax treatment of corps. conducting a trade or business in Puerto Rico and possessions of the U.S. (TRA 1976, § 1051) (Bouknight/Felton—ITC-Langbein).	LR—In LR for prep of notice	1
§ 936(d)(2); LR-106-77	Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rico and possession tax credit (TRA 1969, § 1051) (Horowitz/Felton—ITC-Langbein).	LR—1/21/80 Notice ret'd. to LR for revision	2
§§ 951, 954, 955; LR-68-75	Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (TRA 1975, § 602(d); TRA 1976, § 1024) (Klein/Saverude—ITC-Fogarasi).	ITC—8/9/76 Notice pub. 8/22/77 Temp. Regs. T.D. 7503 published 5/18/79 Draft of T.D. to ITC and T:C 7/19/79 Comments from T:C.	2
§§ 951(a), 954 (b)(1), (f), 955; LR-67-75	Inc. Tax—Part 1—Conforming regs. to certain amendments to Subpart F (TRA 1975, P.L. 94-12, § 602 (a)(3)(B), and (c) (other than (c)(6)) (Klein/Saverude—ITC-Fogarasi).	LR—2/9/78 Notice pub. In LR for prep of T.D	2
§§ 952, 995, 964; LR-234-76	Inc. Tax—Part 1—Denial of certain tax benefits in connection with payment of certain bribes (TRA 1976, §§ 1065, 1066(b)) (Bouknight/Felton—ITC-Dolan).	Tech—8/28/80 Notice fwd. for formal approval	3
§ 960(a)(1); LR-237-76	Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1976, § 1037) (Renfroe/Felton—ITC-Dolan).	CC/LS—8/28/80 Notice to CC/LS for formal approval	3
§§ 993 (c)(2), (d), 995(c), 751(c), 996(a)(2); LR-245-76.	Inc. Tax—Part 1—Misc. DISC amdmts. (TRA 1976, § 1101 (c), (e) and (g) (1)-(4)) (Bouma/Felton—ITC-Fogarasi).	ITC and Tech—8/22/80 Final draft of notice to ITC and Tech	2
§ 993; LR-92-77	Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, § 501) (Feldman/Felton—ITC-Langbein).	LR—5/10/80 Notice to DED for formal approval	2
§ 995; LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) and (5)) (Feldman/Felton—ITC-Langbein).	ITC—5/20/80 Rev. draft of notice to ITC and T:C 7/17/80 Comments from T:C.	1

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 999, 908, 952(a), 995(b)(1); LR-235-78	Inc. Tax—Part 1—Denial of certain tax benefits for cooperation with or participation in international boycotts (TRA 1976, §§ 1061-1064, 1066(a)) (Schnreiner/Felton—ITC-Dolan).	LR—In LR for prep of notice	3
§ 1001; LR-52-79	Inc. Tax—Part 1—Discharge of liabilities on the sale or other disposition of property (Parcell/Fischer).	TLC & T:I— 12/28/79 Notice pub. 4/10/80 Hrg. held 7/28/80 Rev. draft of T.D. to TLC and T:I.	1
§ 1001; LR-165-79	Inc. Tax—Part 1—Taxpayer who owns property subject to certain types of indebtedness realizes income at death (Small/Smith).	TLC—9/25/79 Draft of notice to TLC	2
§ 1033(g)(3); LR-268-76	Inc. Tax—Part 1—Election to treat outdoor advertising displays as real property (TRA 1976, § 2127) (Charnas/Bromell—TLC-Gallagher).	TLC & T:I—12/11/79 Notice pub. 4/22/80 Hrg. held 8/14/80 Rev. draft of T.D. to TLC, T:I, T:C 8/26/80 Comments from T:C.	2
§§ 1040, 1015(d)(6); LR-214-76	Inc. Tax—Part 1—Various rules relating to carryover basis (TRA 1976, § 2005 (b), (c); Crude Oil Windfall Profit Tax Act 1980, § 401(c)(2)) Kusma/Smith—TLC-Sorensen).	TLC & T:I—7/28/80 Draft of notice to TLC and T:I	2
§§ 1056,1245; LR-222-76	Inc. Tax—Part 1—Basis limitations and recapture of depreciation on player contracts (TRA 1976, §§ 212 (a), (b), 1901(b)(11)(D), 1951(c)(2)(C), 2122(b)(3), 2124(a)(2)) (Schmalz/Fischer—TLC-Krupsky).	TLC & T:I—7/15/80 Rev. Draft of notice to TLC and T:I	3
§§ 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601; LR-286-76.	Inc. Tax—Part 1—Disvestures of assets by bank holding companies (P.L. 94-453) (Levine/Blumkin—TLC-Krupsky).	TLC—12/27/78 Draft of notice to TLC and T 3/27/79 Comments from T.	3
§ 1222; LR-273-76	Inc. Tax—Part 1—Increase in holding period required for capital gain or loss to be long term (TRA 1976, §§ 1402, 1901(a)(136)) (Ausness/Coulter—TLC-Gallagher).	Commr.—4/9/80 Notice pub. 8/13/80 8/13/80 T.D. to Commr. for formal approval.	2
§ 1244; LR-186-78	Inc. Tax—Part 1—Amdmt. of Temp. Inc. Tax Regs. under ERISA—Part II—Liberalization of rules relating to losses on small business stock (Rev. Act 1978, § 345; Tech. Corrections Act 1979, § 103(a)(9) (Thompson/Coulter—TLC-Krupsky.	TLC—9/19/79 Notice pub. 4/30/80 Draft of T.D. to TLC and T:C 5/12/80 Comments from T:C.	2
§§ 1248, 751; LR-232-76	Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign corps. (TRA 1976, §§ 1022, 1042 (b), (c)) (Horowitz/Saverude—ITC-Hannes).	ITC—10/1/79 Final draft of notice to ITC and T:C 10/25/79 Comments from T:C.	1
§ 1250; LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)) (/Coulter).	LR—In LR for prep of notice	3
§ 1253; LR-1644	Inc. Tax—Part 1—Transfer of franchises; trademarks and trade names (TRA 1969, § 516(c)) (Tolleris/Coulter—TLC-Levinson/Krupsky).	TLC—7/15/71 Notice pub. 4/10/79 Draft of rev. notice to TLC and T:C 5/11/79 Comments from T:C.	2
§§ 1254, 751(c); LR-276-76	Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1976, §§ 205, 1901(a)(93)) (/Saverude—TLC-Schuldinger).	LR—6/11/80 Notice pub. 9/9/80 Hrg. to be held	2
§ 1348; LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Lanning/Fischer—TLC-Roche).	LR—5/6/77 Notice ret'd. to LR for revision	2
§ 1371; LR-4-73	Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Woo/Saverude).	LR—11/11/76 Rev. draft of notice to TLC & T:I 12/14/76 Comments from T:I 11/29/78 Comments from TLC.	2
§§ 1371, 1372; LR-277-76	Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corps. (TRA 1976, §§ 902 (a) and (c); 1901(a) (149)) (Murphy/Saverude).	LR—4/17/80 Notice pub. 10/8/80 Hrg. to be held	2
§§ 1382-3, 1388-1; LR-268-79	Inc. Tax—Part 1—Distributions qualifying as patronage dividends (Kissel/Blumkin).	LR—In LR for prep of notice	2
§§ 1385, 1388; LR-1175	Inc. Tax—Part 1—Relating to tax treatment of per unit retain allocations (P.L. 89-809, § 211) (Parcell/Fischer—TLC-Schuldinger).	TLC—4/11/74 Draft of notice to TLC & T:C 1/26/76 Comments from T:C.	3
§§ 1391-1397; LR-198-78	Inc. Tax—Part 1—General stock ownership corps. (RA 1978, § 601) (Francis/Bromell).	LR—In LR for prep of notice	3
§ 1441; LR-40-79	Inc. Tax—Part 1—To provide for a certification method of withholding on dividends paid to nonresident aliens (Renfroe/Felton).	LR—In LR fopr prep of notice	2
§ 1441; LR-165-78	Inc. Tax—Part 1—Personal services income of nonresident individuals (Kadue/Felton—ITC-Fogarasi).	LR—In LR for prep of notice	2
§ 1441; LR-2136	Inc. Tax—Part 1—Withholding of income tax on payments to Virgin Island inhabitants (Bouknight/Felton—ITC-Langbein).	LR—7/8/80 Notice pub	1
§§ 1491, 1057; LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015, (Klein/Felton—ITC-Langbein).	LR-In LR for prep of notice	1
§ 1502; LR-75-79	Inc. Tax—Part 1—At risk limitations of sec. 465 (Axelrod/Blumkin).	TLC—12/27/79 Rev. draft of notice to TLC	1
§ 1502; LR-249--79	Inc. Tax—Part 1—Guidance for methods of consolidation for taxable years before regs. became effective (Swift/Whedbee).	LR—In LR for prep of notice	1
§ 1502: LR-1086	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re. personal holding companies (Whedbee/Blumkin—TLC-Brown).	LR-7/5/79 Notice ret'd. to LR for revision	2
§ 1502: LR-140-73	Inc. Tax—Part 1—Misc. and tech. amdmts. to consolidated return regs. (Axelrod/Blumkin—TLC-Brown).	(LR—3/21/78 Notice ret'd. to LR for revision	2
§ 1502; LR-97-79	Inc. Tax—Part 1—Credit and deductions etc., for consolidated returns (Axelrod/Blumkin).	TLC & T:C—5/30/80 Rev. draft of notice to TLC & T:C	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 1502; LR-45-76	Inc. Tax—Part 1—To provide rules for consolidated application of sec. 613A of the Code re limitations on percentage depletion in the case of oil and gas wells (TRA 1975, § 501) (Axelrod/Blumkin—TLC-Brown).	Treas.—4/9/80 Notice pub. 7/16/80 T.D. to Treas. for formal approval.	2
§ 1502; LR-94-74	Inc. Tax—Part 1—To provide consolidated return rules relating to life insurance cos. subject to tax under subch. L (Duffy/Blumkin—TLC-Sims/Brown).	LR—In LR for prep of notice	1
§ 1502; LR-1386	Inc. Tax—Part 1—Consolidated return regs.—Revision of regs. under sec. 1502 re accumulated earnings tax (Whedbee/Blumkin—TLC-Brown).	TLC—7/9/68 Notice pub. 9/12/68 Hrg. held 8/25/71 Notice withdrawn 5/14/79 Rev. notice pub. 10/3/79 Hrg. held 11/30/79 Draft of T.D. to TLC and T:C 12/14/79 Comments from T:C.	3
§ 1502; LR-113-77	Inc. Tax—Part 1—Consolidated return regs.—Investment adjustments (Axelrod/Blumkin—TLC-Brown).	LR—In LR for prep of notice	2
§ 1502; LR-256-79	Inc. Tax—Part 1—Consolidated return/Accumulated earnings tax—Earnings and profits when personal holding co. is a member (Whedbee/Blumkin—TLC-Brown).	TLC—12/26/79 Draft of notice to TLC and T:C 2/4/80 Comments from T:C.	2
§ 1502; LR-29-76	Inc. Tax—Part 1—Reflect amdmts. of consolidated return regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine Fisheries Capital Construction Funds (Axelrod/Blumkin).	TLC & T:C—8/13/80 Draft of notice to TLC and T:C	1
§ 1504; LR-189-77	Inc. Tax—Part 1—Includibility in an affiliated group of subsidiaries formed to comply with foreign laws (Swift/Whedbee—ITC-Langbein).	TLC & T:C—6/2/80 Rev. draft of notice to TLC and T:C	1
§§ 2001, 2010, 2011, 2012 (a), (e), 2013 (b), (c)(1), 2014(b)(2), 2035, 2038(a), 2044, 2052, 2104, 2106, 2101, 2102, 2206-2207, 2502, 2504, 2505, 2521, 6018; LR-212-76.	Est. & Gift Taxes—Parts 20 and 25—Unified rate schedule for estate & gift taxes & unified credit in lieu of exemptions (TRA 1976, § 2001; Technical Corrections Act 1979, § 107 (a)(2)(F)) (Grundeman/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
§ 2031; LR-164-79	Est. Tax—Part 20—Valuation of selfcreated art in an artist's estate (Coplan/Smith—TLC-Sims).	TLC and Tech—8/21/80 Rev. draft of notice to TLC and Tech	1
§§ 2032A, 2013(f); LR-131-80	Est. Tax—Part 20—Valuation of certain farm, etc. real property (TRA 1976, § 2003 (a), (c)) (Hartley/Smith).	LR—In LR for prep of notice	2
§ 2036(a); LR-181-76	Est. & Gift Taxes—Parts 20 & 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1976; RA 1978, § 702 (i)) (Harman/Smith—TLC-Sorensen).	TLC—6/12/80 Draft of notice to TLC and T:C 7/15/80 Comments from T:C.	1
§ 2040; LR-180-76	Est. Tax—Part 20—Fractional interest of spouse (TRA 1976, § 2002 (c), (d)(3); RA 1978, § 511; Technical Corrections Act 1979, § 105(a)(3)(A)) (Small/Grunderman).	LR—In LR for prep of notice	1
§ 2040(d); LR-140-80	Temp. Est. Tax—Part 23—Election to treat certain jointly held property as qualified joint interest (Small/Grunderman).	LR—In LR for prep of notice	1
§§ 2055(e), 2522, 170; LR-259-74	Est. & Gift Taxes—Parts 20 & 25—Disallowance of charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust or pooled income fund (P.L. 93-483, § 3; P.L. 94-455, § 13.04 (a); RA 1978, § 514 (a), (b); Tech Corrections Act 1979, § 105 (a)(4)) (Grundeman-Smith).	TLC and Tech—12/19/75 Notice pub. 3/30/76 Hrg. held 11/26/79 Draft of T.D. to TLC and Tech.	2
§§ 2056(c)(1), 2523(a); LR-211-76	Est. & Gift Taxes—Parts 20 & 25—Increase in limitations on marital deductions (TRA 1976, § 2002 (a), (b), (d)(1), (2)) (Harman/Smith—TLC-Sorensen).	LR—In LR for prep of notice	3
§ 2057; LR-182-76	Est. Tax—Part 20—Deduction for bequests to certain minor children (TRA 1976, § 2007) (Alexander/Smith—TLC-Sorensen).	LR—In LR for prep of notice	1
§ 2514-3(e); LR-1942	Est. & Gift Tax—Part 25—Transfers of life income interest by the life income beneficiary (Example (3)) (Waltuch/Smith).	LR—8/9/80 Notice to DED for formal approval	2
§§ 2518, 2045, 2041(a)(2), 2055(a), 2056, 2504; LR-213-76.	Est. & Gift Taxes—Parts 20 and 25—Disclaimers (TRA 1976, § 2009(b)) (RA 1978, § 702(m)) (Kusma/Smith—TLC-Rabinovitz).	LR—7/22/80 Notice pub	1
§ 2601-2603; LR-178-76	Tax on certain generation-skipping transfers—Part 26—Imposition and amount of, and liability for, tax (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-Sorensen).	LR—In LR for prep of notice	3
§§ 2611-2614; LR-205-76	Est. and Gift Tax—Part 26—Tax on certain generation-skipping transfers—Definitions and special rules (TRA 1976, § 2006(a); Technical Corrections Act 1979, § 107(a)(2)(B)) (Waltuch/Smith—TLC-Sorensen).	LR—8/16/79 Notice ret'd to LR for revision	1
§ 2621; LR-234-79	Est. & Gift Tax—Part 26—Generation-skipping transfers tax return requirement, etc. (TRA 1976, § 2006(a)) (Waltuch/Smith).	LR—8/5/80 Notice pub. 11/5/80 Hrg. to be held	2
§§ 2622, 2013(g), 691(c), 303(d); LR-202-76	Inc. Tax—Est. Tax—Tax on certain generation-skipping transfers—Parts 1, 20, & 26—Misc. provisions relating to generation-skipping transfers (TRA 1976, § 2006 (a), (b)) (Harman/Smith—TLC-Sorensen).	TLC & T:I—5/8/78 Draft of notice to TLC and T:I	3
§ 3121(t); LR-35-78	Empl. Tax—Part 31—Soc. Sec. tax on employers of individuals who receive income from tips (Soc. Sec. Amdmts. of 1977, § 315) (Murphy/Bromell—TLC-Goodman).	LR—7/25/79 Notice ret'd to LR for revision	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 3401 (a)-1, (b); LR-74-77	Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976, § 505) (/ Coulter—TLC-Gallagher).	TLC & T:I—6/26/79 Notice fwd. for formal approval	2
§ 3402(q); LR-264-76	Empl. Tax—Part 31—Withholding on certain gambling winnings (TRA 1976, § 1207(d)) (MacMaster/Coulter—TLC-Gallagher).	TLC &T:I—11/15/79 Notice pub. 2/26/80 Hrg. held 8/18/80 Rev. draft of T.D. to TLC and T:I.	2
§ 3507; LR-188-78	Empl. Tax—Part 31—Advance payments of earned income credit (RA 1978, § 105(b) (Murphy/Saverude—TLC-Goodman).	T:I—5/9/79 Notice pub. 11/13/79 Hrg. held 7/29/80 Draft of T.D. to TLC and T:I 8/12/80 Comments from TLC.	2
§§4041(b), 4063, 4081, 4093, 4221, 6416, 6421, 6424, 6427; LR-173-78.	Exec. Tax—Various amdmts. under the Energy Tax Act of 1978; §§ 221, 222, 231, 232, 233, 404; Rev. Act of 1978, § 701(ff); Technical Corrections Act 1979, § 106(c)(5)) (Alexander/Smith—TLC-Copeland).	LR-8/19/80 Draft of notices ret'd to LR for revision	2
§ 4042; LR-175-78	Mfgrs. & Retlrs. Exc. Tax—Part 48—Tax on fuel used in commercial transportation on inland waterways (P.L. 95-502, § 202) (Harman/Smith—TLC-Copeland).	LR—6/9/80 Notice pub. 9/25/80 Hrg. to be held	2
§§ 4041, 4042, 4054, 4058; LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	Commr.—8/28/80 Notice to Commr. for formal approval	3
§§4061, 4063; LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Copeland).	T:I—7/30/80 Draft of notice to TLC and T:I 8/14/80 Comments from TLC.	3
§ 4063; LR-102-80	Mfgrs. and Rtlrs. Exc. Tax—Part 48—Exemption of rebuilt parts from mfgrs. exc. tax on automotive parts and accessories (P.L. 88-653, § 5) (Small/Saverude).	LR—7/20/80 T.D. to DED for formal approval	3
§ 4064; LR-205-78	Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act 1978, § 201) (Murphy/Woo—TLC-Copeland).	LR—2/8/80 Notice pub. 6/19/80 Hrg. held	1
§§ 4071-4073; LR-2114	Exc. Tax—Applicable to tires, etc., sold on or after 7/1/65 (P.L. 89-44) (Tolleris/Saverude—TLC-Copeland).	LR—7/21/80 Notice ret'd to LR for revision	3
§§ 4081-4084, 4091-4092, 4101, 4102; LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	T:I 6/23/80 Rev. draft of notice to TLC and T:I 7/17/80 Comments from TLC.	3
§§ 4218(a), 4221(a), 4293, 6416; LR-61-78	Mfgrs. & Retlrs. Exc. Tax—Part 48—Excise tax on coal (Black Lung Benefits Rev. Act 1978, § 2) (Waltuch/Smith—TLC-Copeland).	Commr.—8/27/79 Notice pub. 1/10/80 Hrg. held 8/29/80 T.D. to Commr. for formal approval.	2
§ 4221; LR-13-80	Mfgrs. and Retlrs. Exc. Tax—Part 48—Imposition of taxes on importers of used, previously exported articles (Kusma/Saverude—TLC-Copeland).	LR—6/9/80 Notice pub	3
§ 4221-2; LR-58-79	Mfgrs. & Retlrs. Exc. Tax—Part 48—Tax-free sales of articles to be used for, or resold for, further manufacture (Copeland/Smith—TLC-Copeland).	LR—7/2/80 Notice pub	2
§ 4986-4997; LR-48-80	Exc. Tax—Part 51—Implementing the Crude Oil Windfall Profit Tax Act of 1980 (Cubeta/Bromell—TLC-Schuldinger/Gallagher).	LR—4/14/80 Notice pub. 7/16/80 Hrg. held	1
§ 4989-1(c)(2); LR-141-80	Temp. Exc. Tax—Part 150—To clarify the interim rule for determining base prices for tier 2 and tier 3 oil (Crude Oil Windfall Profit Tax Act 1980) (Cubeta/Bromell).	TLC & Tech—8/26/80 Final draft of T.D. to TLC and Tech	1
§ 4989-1(c)(2); LR-142-80	Exc. Tax—Part 51—To clarify the interim rule for determining base prices for tier 2 and tier 3 oil (Crude Oil Windfall Profit Tax Act 1980) (Cubeta/Bromell).	TLC & Tech—8/26/80 Final draft of notice to TLC and Tech	1
§ 4995; LR-71-80	Exc. Tax—Part 51—Withholding and depositing of windfall profit tax (Cubeta/Bromell—TLC-Schuldinger/Gallagher).	LR—4/25/80 Notice pub. 7/16/80 Hrg. held	1
§§ 6001-6427, 4161, 4181; LR-2115	Exc. Tax—Part 52—Sporting goods and firearms and admin. provs. of special application to Mfgrs. and Retlrs. Exc. Tax (Exc. Tax Reduction Act 1965 and other subsequent legislation through Rev. Act 1971) (Kusma/Saverude—TLC-Copeland).	TLC— 5/2/75 Rev. draft of notice to TLC and T:I 7/15/76 Comments from T:I.	3
§ 6001; LR-133-78	Proc. & Admin.—Part 301—Conditions under which books and records of controlled for. corps. and orgs. will be required to be maintained in the U.S. (Bouma/Felton—ITC-Fogarasi).	Commr.—8/25/80 Notice to Commr. for formal approval	2
§ 6013 (g), (h); LR-71-79	Inc. Tax—Part 1—To clarify the relationship of the joint return election and tax treaties (Klein/Felton—ITC-Dolan).	Treas.—8/18/80 Notice to Treas. for formal approval	3
§ 6039; LR-49-80	Inc. Tax—Part 1—To conform the regs. to amdmts. made by sec. 7 of P.L. 98-167 (Discontinuance of option reports) (Schmalz/Fischer).	TLC—7/8/80 Draft of T.D. to TLC and T:I 7/31/80 Comments from T:I.	3
§ 6073; LR-130-79	Inc. Tax—Part 1—Declarations of estimated income tax of farmers and fishermen & nonresident aliens (Act of 11/10/78, § 7; TRA 1976, § 1012(c)) (Ausness/Coulter—TLC-Gallagher).	Treas.—5/21/80 Notice pub. 8/20/80 T.D. to Treas. for formal approval.	2
§ 6103 (a), (c), (j)(1), (k)(6), (l)(2), (n); LR-140-77.	Proc. & Admin.—Part 301—Disclosure of return information by IRS officers and employees for investigative purposes (TRA 1976, § 1202 (a)) (Dickinson—TLC-Krupsky).	Treas.—3/24/80 Notice pub. 7/2/80 T.D. to Treas. for formal approval.	3
§ 6103(j)(1); LR-5-80	Proc. & Admin.—Part 301—To prescribe rules for disclosure of returns and return information (Dickinson—TLC-Krupsky).	Treas.—3/24/80 Notice pub. 7/2/80 T.D. to Treas. for formal approval.	2
§§ 6154, 6655; LR-140-78	Inc. Tax—Part 1—Payment of estimated tax by corporations (Carney/Coulter—TLC-Yecies).	T:C—3/29/79 Final draft of notice to TLC and T:C 11/15/79 Comments from TLC.	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file no.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 6166, 6166A; LR-210-76	Exc. Tax—Part 20—Proc. and Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, § 2004(a); RA 1978, § 512) (Charnas/Romell—TLC-Melton).	TLC—5/30/80 Draft of notice to TLC and T:I 7/25/80 Comments from T:I.	2
§ 6205; LR-85-79	Empl. Tax—Part 31—Interest-free adjustment where employer erroneously files Form 941 and pays FICA tax on employee's wages rather than RRTA tax (Tolleris/Coulter—TLC-Goodman).	Commr.—8/26/80 Notice to Commr. for formal approval	2
§§ 8324A, 2204(c); LR-209-76	Est. Tax—Proc. & Admin.—Parts 20 and 301—Special lien for estate tax deferred under sec. 6166 and 6166A (TRA 1976, § 2004(d)) (Murphy/Bromell—TLC-Melton).	TLC—6/18/80 Draft of notice to TLC and tech 8/22/80 Comments from Tech.	2
§ 6324(B); LR-201-76	Est. Tax—Proc. & Admin.—Parts 20 and 301—Special lien for additional estate tax attributable to farm, etc., valuation (TRA 1976, § 2003(b)) (Stevenson/Bromell—TRLC-Melton).	TLC—11/30/79 Draft of notice to TLC and T:I Comments from T:I	2
§§ 6332, 7401; LR-1891	Proc. & Admin.—Part 301—Enforcement of liens and levies upon a taxpayer's property held by a foreign office of a financial institution engaged in business in the U.S. or a possession of the U.S. (Alexander/Smith—ITC-Dolan.	T:I—9/28/79 Rev. draft of notice to ITC and T:I 1/16/80 Comments from ITC.	1
§§ 6601(j), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011(c)(2), 2204 (a), (b); LR-198-76.	Est. Tax—Proc. & Admin.—Parts 20 & 301—Misc. Procedural amdmts. relating to estate tax (TRA 1976, § 2004 (b), (c), (f); RA 1978, § 702(p)) (Stevenson/Bromell—TLC-Melton).	TLC—11/30/79 Draft of notice to TLC and T:I	3
§ 7502; LR-1406	Proc. & Admin.—Part 301—Amdmts. of regs relating to the timely mailing of deposits (P.L. 90-364, § 106) (Lanning/Fischer—TLC-Levinson).	TLC & T:I—12/11/79 Notice pub. 4/7/80 Draft of T.D. to TLC and T:I.	3
§§ 7517, 2031(c), 2616(c), 6075(b); LR-215-76	Est. Tax—Gift Tax—Proc. & Admin.—Parts 20, 25, 301—Furnishing on request of statement explaining estate or gift valuation and filing of gift tax returns (TRA 1976, § 2008 (a), (b)) (Waltuch/Smith).	T:I—12/19/79 Notice pub. 5/30/80 Draft of T.D. to TLC and T:I 8/1/80 Comments from TLC.	3
§§ 7609, 7610; LR-164-76	Proc. & Admin.—Part 301—Administrative summons (TRA 1976, § 1205) (Clark/Fischer—TLC-Yecies).	LR—8/21/80 Notice pub	3
§ 7701; LR-232-78	Proc. and Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, as revised in 1976 (Francis/Bromwell—TLC-Levinson/Sims).	Treas.—8/18/80 Notice to Treas. for formal approval	2
§ 7701; LR-57-80	Proc. & Asmin.—Part 301—To modify the application of the classification rules to limited liability companies (Francis/Bromell).	Commr.—8/1/80 Final draft of notice to Commr. for formal approval	1
LR-149-75	Inc. Tax—Part 3—Maritime Capital Construction Fund (P.L. 91-469, § 601, Merchant Marine Act, 1936) (McKee/Blumkin—TLC-Krupsky).	TLC—1/29/76 Notice pub. 7/7/76 Hrg. held 6/6/80 Draft of T.D. to TLC.	1
LR-71-78	Exc. Tax—Parts 16 & 17—(1939 Code) Vinson Act—Amdmt. of T.D. 4906 & T.D. 4909—Recovery of excessive profits on Government cointracts (Hartley/Smith—TLC-Brown).	TLC & T:C—10/26/79 Notice pub. 3/12/80 Hrg. held 7/11/80 Draft of T.D. to TLC & T:C.	1
LR-50-79	Statement of Procedural Rules—1979-1 Periodic Amendments (Mull/Whedbee).	T:I—7/14/80 Draft to T:I	—

Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*

1954 code section and file no.	Subject and drafter and reviewer	Office in which pending and status	Priority
§ 46; EE-1-78	Inc. Tax—Part 1—Employee stock ownership plan requirements for Obtaining up to additional ½% investment credit (TRA 1976, § 803 (d)) (Horowitz/Marget—TLC-Melton).	TLC—8/17/79 Notice pub. 3/7/80 Prelim. draft of T.D. to TLC and E 5/21/80 Comments fm E.	2
§§ 46, 401(a); EE-4-78	Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, § 803 (b) ((2), (3), (c) and (d)) (Horowitz/Thrasher—TLC-Melton).	EE—1/19/79 Notice pub. 6/28/79 Hearing held 9/11/79 Prelim. draft of T.D. to TLC and E 1/7/80 Comments fm TLC 3/11/80 Comments fm E.	2
§ 105 (h), 3401(a)(2); EE-167-78	Inc. Tax—Part 1—Medical expense reimbursement plans. Inc. Tax withholding (P.L. 95-600; P.L. 96-222; Rev. Act '78, § 366; Tech. Corr. Act '79, § 103(a)(13)) (Cobb/Wickersham—TLC-Melton).	EE—2/28/80 Notice pub. 6/24/80 Hearing held	1
§§ 120, 501(c)(20); EE-5-78	Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, § 2134) (Johnson/McGovern—TLC-Krupsky).	EE—4/29/80 Notice pub. 9/4/80 Hrg to be held	1
§ 125; EE-16-78	Inc. Tax—Part 1—Tax Treatment of Cafeteria Plans (Rev. Act of '78 § 134 (Beker/Thrasher—TLC-Sorensen).	TLC and E:A—4/15/80 Rev'd prelim. draft of notice to TLC and E:A	1
§§ 127, 3121(a)(18), 3401(a)(18), 3306(b)(13) EE-178-78.	Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of 1978 § 164) (Kerby/McGovern—TLC-Roche).	TLC—6/26/80 Prelim. draft of notice to TLC and T:I:I 7/25/80 Comments fm T:I:I.	2
§§ 219, 220, 408, 409, 4973, 4974; EE-7-78	Inc. Tax—Part 1—Retirement Income Plan Excise Taxes—Part 54, Retirement accounts for certain married individuals and Individual Retirement Account Technical Changes (TRA 1976, §§ 1501, 1503, Rev. Act of '78, §§ 156, 157) (Gibbs/Wickersham—TLC-Melton).	TLC and E—8/27/80 3rd prelim. draft of notice to TLC and E	2

Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*—Continued

1954 code section and file no.	Subject and drafter and reviewer	Office in which pending and status	Priority
§§ 263, 404, etc. EE-56-78	Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (*Comm. v. Idaho Power Co.*, 418 U.S. 1 (1974)) (Horowitz/Marget—TLC-Krupsky).	TLC—5/13/80 Prelim. draft of notice to TLC and T:C 6/25/80 Comments fm T:C.	1
§§ 401(a), 501(a) EE-39-78	Inc. Tax—Part 1—Treatment of Puerto Rican retirement plans (P.L. 93-406, § 1022(i)) (Sumter/Thrasher—ITC-Fogarasi).	ITC and EP—7/23/80 2nd rev. prelim. draft of notice to ITC and EP ..	2
§ 401(a)(5); EE-8-78	Inc. Tax—Part 1—Comparability of Plans for vesting (ERISA, § 1012(b)) (Hennessy/Wickersham—TLC-Melton).	TLC and E:A—2/7/80 Rev. prelim. draft of notice to TLC and E:A	3
§ 401 (a)(18), (j); EE-29-78	Inc. Tax—Part 1—Defined benefit plans for H.R. 10 and Subch. S corps. (P.L. 93-406, § 2001(d)) (Hennessy/Wickersham—TLC-Sorensen).	E—5/26/78 Notice pub. 10/4/78 Hearing held 8/6/79 T.D. fwd for formal approval.	1
§ 401-4(c); EE-11-78	Inc. Tax—Part 1—To conform the "High 25 employee rule" to sec. 4022 of ERISA, "guaranteed benefis" (Hirsh/Wickersham—TLC-Sorensen).	TLC—7/13/79 Prelim. draft of notice of TLC and E 8/16/79 Comments fm E.	2
§§ 401(k), 402(a)(8); EE-169-78	Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of 1978, § 135) (Hirsh/Wickersham—TLC-Melton).	EE—10/8/79 Prelim draft of notice to TLC and E 6/27/80 Comments fm TLC and E.	1
§§ 402(a)(2), 402(e), 403(a)(2)(A)(iii); EE-14-78 .	Inc. Tax—Part 1—Treatment of certain lump sum distributions (P.L. 93-406, § 2005) (Johnson/Wickersham—TLC-Melton).	EE—4/30/75 Notice pub. 8/12/75 Hearing held 9/17/79 2nd rev. draft of T.D. to TLC and EP 8/14/80 Comments fm TLC and E.	2
§§ 402(a) (5), (6), (7), 401(a)(20), 403 (a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 691(c)(5), 805(d)(1)(c) EE-15-78.	Inc. Tax—Part 1—Tax-free rollovers of lump sum distributions and plan termination payments. Lump sum distributions made with respect to a decedent (P.L. 94-267; P.L. 95-458; § 4; Rev. Act '78, §§ 156 (a), (b), 157 (f), (g), (h)(1); Tech. Corr. Act '79, § 101(a)(8)(A)) (Johnson/Wickersham—TLC-Melton).	TLC and E—2/19/80 2nd rev. prelim. draft of notice to TLC and E	2
§ 402(e)(4)(L); EE-16-78	Inc. Tax—Part 1—Lump sum distributions from qualified pension, etc. plans (TRA 1976, § 1512) (Johnson/Wickersham—TLC-Melton).	EE—5/31/79 Notice pub. 9/17/79 Prelim. draft of T.D. to TLC & EP 8/14/80 Comments fm TLC and EP.	3
§403(b)(7); EE-17-78	Inc. Tax—Part 1—Taxability of beneficiary under annuity purchased by sec. 501 (c) organization or public school (P.L. 93-406, § 1022(e); TRA 1976, § 1504) (Hartley/Thrasher—TLC-Melton).	E—2/10/78 Notice pub. 8/6/80 Partial rev. notice fwd for formal approval.	2
§§ 404(a) (1), (3)(A), (6), (7)(g), 413(b) (7), (c)(6); EE-33-78.	Inc. Tax—Part 1—Deduction limitation (P.L. 93-406, §§ 1014, 1013(c) (1) (2), (3), 204(b), 4081 (a)); TRA 1975 (P.L. 94-12) § 402 amending 1964 Code § 404(a)(6)) (Horowitz-Marget—TLC-Sorensen).	E—5/19/78 Notice pub. 6/30/80 T.D. fwd for formal approval	2
§§ 404 (a)(1), (a)(6), (a)(7), (a)(3)(A), and (g); 412(c)(2)(A); 413 (b)(7) and (c)(6); EE-141-79.	Inc. Tax—Part 1—Deduction limitations and funding rules for valuing certain agreements (P.L. 93-406, §§ 1013, 1014, 4081(b); P.L. 94-12, § 402) (Beker/Marget).	EE—In EE for prep of notice	2
§ 404 (d), (b) EE-44-79	Inc. Tax—Part 1—Deferred Compensation payments to independent contractors (Rev. Act of '78, § 133) (/Thrasher—TLC-Sorensen).	TLC & E:A—4/23/80 Prelim. draft of notice to TLC & E:A	2
§ 408 (*l*) EE-109-79	Inc. Tax—Part 5—Temporary Regs. relating to reporting and disclosure requirements for simplified employee pensions (Rev. Act of '78, § 152(b)) (P.L. 95-600) (Gibbs/Wickersham—TLC-Melton).	EE—4/4/80 T.D. ret'd to EE for revision	1
§ 410; EE-20;78	Inc. Tax—Part 1—Coverage & eligibility rules for minimum participation standards (ERISA, § 1011) Cobb/Wickersham—TLC-Sorensen).	Treas.—4/20/79 Notice pub. 8/1/80 T.D. signed by Commr	2
§ 411(d)(1); EE-164-78	Inc. Tax—Part 1—Coordination of vesting and nondiscrimination requirements for qualified plans (ERISA § 1012(a)) (Maldonado/Wickersham—TLC-Melton).	TLC and E—4/9/80 Notice pub. 6/12/80 Partial rev. notice pub. 7/10/80 Hearing held 8/12/80 Prelim. draft of T.D. to TLC & E.	2
§ 412(b)(3); EE-101-78	Inc. Tax—Part 1—Credits to funding standard account (ERISA, § 1013(a) (Misher/Marget—TLC-Sorensen).	TLC and E—12/29/78 Notice pub. 2/21/80 Hearing held 5/28/80 Prelim. draft of T.D. to TLC and E.	2
§§ 412, 413(b), (5), (6), (c)(4), (5), 4971(c)(4) EE-99-78.	Inc. Tax—Part 1, Excise Tax Regulations—Funding for qualified plans (ERISA, §§ 1013 (a), (1014)) (Horowitz/Marget—TLC-Sorensen).	EE—11/16/79 Prelim. draft of notice to TLC and E 6/13/80 Comments fm TLC and E.	2
§ 412(c)(1); EE-100-78	Inc. Tax—Part 1—Determinations to be made under funding method (ERISA, § 1013(a)) (Hennessy/Marget—TLC-Sorensen).	Treas.—8/11/80 T.D. signed by Commr	2
§ 412(c)(2) EE-102-78	Inc. Tax—Part 1—General rules for valuation of assets (ERISA, § 1013(a)) (Beker/Marget—TLC-Sorensen).	Treas.—8/25/78 Notice pub. 1/11/79 Hrg held 7/3/80 T.D. signed by Commr..	2
§ 412(c)(3) EE-150-78	Inc. Tax—Part 1—Reasonable actuarial methods (ERISA, § 1013(a),3(31)) (Misher/Marget—TLC-Sorensen).	TLC and E—10/5/79 Notice pub. 2/21/80 Hearing held 6/9/80 Prelim. draft of T.D. to TLC and E.	2
§ 414(a); EE-22-78	Inc. Tax—Part 1—Definitions and special rules; service for predecessor (P.L. 93-406, § 1015) (Misher-Wickersham—TLC-Melton).	TLC and E—4/30/80 Prelim. draft of notice to TLC and E	2
§ 415; EE-24-78	Inc. Tax—Part 1—Limitation on contribution and benefits (P.L. 93-406, § 2004) (Misher-Wickersham—TLC-Melton).	EE—1/24/80 Notice pub. 7/8/80 Hearing held	1
§ 457; EE-176-78	Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. '78, §131) (Kamikawa-McGovern—TLC-Melton).	T:I—8/14/80 Notice fwd for formal approval	1
§§ 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a); EE-53-79.	Inc. Tax—Part 1, Estate Tax—Part 20, Gift Tax—Part 25, Exemption of certain amateur athletic organizations from tax (Tax Reform Act of '76, § 1313) (/Thrasher—TLC-Sims).	EE—5/10/79 Notice pub. under LR-172-76 10/9/79 Hearing held in EE for prep of T.D.	3

Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*—Continued

1954 code section and file no.	Subject and drafter and reviewer	Office in which pending and status	Priority
§ 501 (c)(7) and (g); EE-43-78	Inc. Tax—Part 1—tax treatment of certain social clubs and prohibition of discrimination by certain social clubs (P.L. 94-568) (Sumter/Thrasher—TLC-Sims and Goodman).	E—8/29/80 Notice fwd for formal approval	2
§ 501(c)(9); EE-153-78	Inc. Tax—Part 1—Voluntary employees beneficiary associations (as amended by sec. 121(b)(5)(A) (TRA 1969) (K. Johnson/Thrasher—TLC-Sims).	EE—7/17/80 Notice pub. 10/14/80 Hrg to be held	1
§ 501(e); EE-44-78	Inc. Tax—Part 1—Amdmt. of regs. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (P.L. 90-364, § 109) (Beker/Thrasher—TLC-Sims).	TLC—8/31/78 Prelim. draft of notice to TLC and EPEO 10/6/78 Comments rec'd fm EPEO.	3
§ 501(h), 504 4911, 170(f); EE-154-78	Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, § 1307 (a), (b)) (Baker/McGovern—TLC-Sims).	TLC—2/28/80 prelim. draft of notice to TLC and E 5/30/80 Comments from E.	1
§ 509(a)(2); EE-45-78	Inc. Tax—Part 1—Definition of a private foundation (P.L. 94-81, § 3) (Sumter/Thrasher—TLC-Baneman).	E—7/24/79 Notice pub. 8/11/80 Rev. notice fwd for formal approval	3
§§ 512, 514, 851, 4940; EE-146-78	Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (P.L. 95-345, § 2) (Kamikawa/McGovern—TLC-Sims).	TLC—10/25/79 Prelim. draft of notice to TLC and E 11/20/79 Comments from E.	3
§ 513(d); EE-155-78	Inc. Tax—Part 1—Activities of trade shows and state fairs (TRA 1976 § 1305) (Horowitz/Thrasher—TLC-Sims).	EE—4/30/80 Notice fwd for formal approval 8/14/80 Notice approved by E.	2
§ 513(e); EE-46-78	Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, § 1311) (Kerby/McGovern—TLC-Sims).	TLC—3/27/79 Prelim. draft of notice to TLC and EO 4/9/79 Comments fm EO.	2
§§ 1379; EE-35-78	Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (§ 531, TRA 1969) (Johnson/McGovern—TLC-Melton).	TLC and E—5/6/72 Notice pub. 7/24/72 Conference held 8/13/80 2nd rev prelim. draft of T.D. to TLC and E.	1
§§ 2039 (c), (e), 2517; EE-25-78	Est. and Gift—Parts 20 and 25—Exclusion of certain retirement benefits from gross estate (TRA 1976, § 2009(c), Rev. Act 1978, § 142) (Johnson/Wickersham—TLC-Sorensen).	EE—3/2/79 Notice pub. 5/28/80 Rev. draft of T.D. to TLC and T:I:EG 6/11/80 Comments fm T:T:EG 7/17/80 Comments fm TLC.	3
§ 4942(g)(2); EE-156-78	Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976, § 1302) (Kerby/McGovern—TLC-Baneman).	EE—8/26/80 Notice pub	3
§ 4942(j)(6); EE-2-79	Foundation Excise Tax—Part 53—Certain elderly care facilities (Rev. Act of 1978 § 522) (Kerby/McGovern—TLC-Baneman).	Treas.—8/25/80 T.D. approved by Treas	3
§ 4943; EE-162-78	Foundation Excise Tax—Part 53, Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Hennessy/Wickersham—TLC-Baneman).	EE—5/22/79 Notice pub. 8/16/79 Partial rev. notice pub. 9/6/79 Hrg. held 12/3/79 Prelim. draft of T.D. to TLC and E 1/17/80 Comments fm E 8/15/80 Comments fm TLC.	2
§§ 4972, 401(a)(10)(A)(ii), 401 (c)(2), (d)(3), (d)(4), 1379(b); EE-37/78.	Inc. Tax—Part 1—Exc. Tax—Part 54—H.R. 10 plans, excess contributions and premature distributions (P.L. 93-406, §§ 1022(b), 2001 (b), (e), (f), (h)(l)) (Maldonado/Wickersham—TLC-Sorensen).	EE—3/29/79 Notice pub. 3/14/80 Rev'd prelim. draft of T.D. to TLC and E 8/5/80 Comments fm E 8/11/80 Comments fm TLC.	2
§§ 6059, 6692; EE-27-78	Proc. and Admin.—Part 301—Periodic report of actuaries; and failure to file actuarial report (P.L 93-406, § 1033) (Johnson/McGovern—TLC-Sorensen).	EE—7/8/80 Notice pub	3
§ 6104(a) EE-28-78	Proc. and Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, and stock bonus plans (P.L. 93-406, § 1022(g)) (Accettura-McGovern—TLC-Sorensen).	E—6/17/80 Notice fwd for formal approval	2
§ 6104(b) EE-160-78	Proc. and Admin.—Part 301—Procedures used for making returns filed by exempt organizations available for public inspection (Hennessy/Wickersham—TLC-Yecies).	TLC—5.14.80 Rev. prelim. draft of T.D. to TLC and E and TX:D 7/7/80 Comments fm E 7/8/80 Comments fm TX:D.	3
§ 6211; EE-159-78	Proc. and Admin.—Part 301—Deficiency procedures, etc. relating to excise taxes imposed by Chapters 42 and 43 (Hirsh/Wickersham—TLC-Yecies).	EE—8/25/80 Notice pub	3
§ 6693, etc.; EE-19-78	Inc. Tax—Part 1—Reporting requirements, penalties and conforming amdmts. re individual retirement accounts (ERISA, §§ 2002 (f), (g) (exec. (g)(5)) (Maldonado/Wickersham—TLC-Melton).	E—8/20/79 Notice pub. 7/25/80 T.D. fwd for formal approval	3

Part III.—*Regulation Projects Under Which Existing Regulations Are To Be Reviewed Pursuant to Para. 12 of Treasury Directive 50-04.F*

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 3, 4, 144; LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301 (b), (c), Rev. Act 1971; § 501, TRA 1976) (/Saverude).	LR—In LR for prep of notice	2
§§ 11, 21; LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901 (a), (e)(2)) (Murphy/Saverude).	LR—In LR for prep of notice	2
§ 37; LR-250-76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, §§ 503, 1901(c)(1)) (Francis/Bromell—TLC-Yecies).	Commr.—2/27/80 Notice pub. 8/27/80 T.D. to Commr. for formal approval.	2
§§ 104 (a), (b), 105(d); LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc. disability pensions; Certain disability income (TRA 1976, § 505; TR and SA, § 301) (Parcell/Fischer—TLC-Krupsky).	LR—7/9/80 Notice pub	2

Part III.—*Regulation Projects Under Which Existing Regulations Are To Be Reviewed Pursuant to Para. 12 of Treasury Directive 50-04.F*—Continued

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 303; LR-124-76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC and T:C 5/17/77 Approved by T:C.	2
§§ 368(a)(2)(F), 721, 722, 723, 683; LR-135-76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Mull/Blumkin—TLC-Rabinovitz/Krupsky).	TLC and T:C—5/22/80 Rev. draft for notice to TLC and T:C	1
§ 512(a)(3); LR-1744	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Mix/Fischer—TLC-Sims).	TLC—5/13/71 Notice pub. 8/31/71 Hrg. held 7/3/80 Rev. draft of T.D. to TLC.	2
§§ 584 (a)(1), (c)(1) (A) and (B), (c)(2), (e), 6032; LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L.'s 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	Treas.—5/30/80 Notice to Treas. for formal approval	2
§§ 856-860, 172 (b), (d), 316(b), 381(c)(25), 443(e)(5), 4981, 6161(b), 6211-6213(a), 6214, 6344(a), 6422, 6503(i), 6512, 6515, 6601(c), 6697, 7422; LR-218-76.	Inc. Tax—Part 1—Real Estate Investment trusts (TRA 1976, §§ 1601-1608, 1901 (a), (b), 1906 (a), (f)) (P.L. 93-625, § 6) (Whedbee/Blumkin—TLC-Levinson).	TLC—7/7/78 Notice pub. 12/20/78 Hrg. held 5/14/79 Draft of T.D. to TLC and T:FP 6/25/79 Comments from T 11/6/79 Changed pages to TLC.	2
§ 904(b) (2) and (3); LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(c) (2) and (3)) (Feldman/Felton—ITC-Dolan).	ITC—10/25/79 Draft of notice to ITC and T:C 12/18/79 Comments from T:C 6/20/80 Rev. draft of notice to ITC.	1
§ 904(e); LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign tax credits as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976) (Bouma/Felton—ITC-Dolan).	ITC and T:C—7/31/80 Draft of notice to ITC and T:C	2
§ 995; LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) and (5)) (Feldman/Felton—ITC-Langbein).	ITC—5/20/80 Rev. draft of notice to ITC and T:C 7/17/70 Comments from T:C.	1
§ 1250; LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)) (/Coulter).	LR—In LR for prep of notice	3
§ 1348; LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Lanning/Fischer—TLC-Roche).	LR—5/6/77 Notice ret'd. to LR for revision	2
§§ 1491, 1057; LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Langbein).	LR—In LR for prep of notice	1
§§ 4041, 4042, 4054, 4058; LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	Commr.—8/28/80 Notice to Commr. for formal approval	3
§§ 4061, 4063; LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Copeland).	T:I—7/30/80 Draft of notice to TLC and T:I 8/14/80 Comments from TLC.	3
§§ 4071-4073; LR-2114	Exc. Tax—Applicable to tires, etc., sold on or after 7/1/65 (P.L. 89-44) (Tolleris/Saverude—TLC-Copeland).	LR—7/21/80 Notice ret'd. to LR for revision	3
§§ 4081-4084, 4091-4092, 4101, 4102; LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	T:I—6/23/80 Rev. draft of notice to TLC and T:I 7/17/80 Comments from TLC.	3
§ 7502; LR-1406	Proc. & Admin.—Part 301—Amdts. of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Lanning/Fischer—TLC-Levinson).	TLC and T:I—12/11/79 Notice pub. 4/7/80 Draft of T.D. to TLC and T:I.	3

Part IV.—*Regulations Projects Closed Between Mar. 1 and Aug. 31, 1980*

1954 code section and file No.	Subject and drafter and reviewer	Disposition
§ 43; LR-201-78	Inc. Tax—Part 1—Earned income credit (RA 1978, §§ 103, 104, 105(a)) (Coughlin/Saverude—TLC-Rouche).	T.D. published in FR on 3-13-80.
§ 44C; LR-206-78	Inc. Tax—Part 1—Residential energy credit (Energy Tax Act 1978, § 101) (Woo/Bromell—TLC-Schuldinger/Roche).	T.D. published in FR on 8-29-80.
§ 85; LR-194-78	Inc. Tax—Part 1—Unemployment compensation (RA 1978, § 112) (Schmalz/Fischer—TLC-Goodman).	T.D. published in FR on 7-9-80.
§ 120(c)(4); EE-34-78	Inc. Tax—Part 1—Notification to Secretary that a plan is applying for recognition as a qualified group legal services plan (TRA 1976, § 2134) (Johnson/McGovern—TLC-Krupsky).	T.D. published in FR on 4-29-80.
§§ 191, 1245, 642 (f), (a)(2) (B), 1259, 57; LR-199-76.	Inc. Tax—Part 1—Amortization and depreciation of certain rehabilitation expenditures for, and disallowance of deduction for amounts expended in demolishing, certain historic structures (TRA 1976, § 2124(a)-(d); RA 1978, § 7019(f)) (Hartley/Saverude—TLC-Schuldinger).	T.D. published in FR on 6-6-80.
§ 403; LR-2-80	Inc. Tax—Part 1—Appraisal of property seized for forfeiture (Kusma/Smith—TLC-Koppelman).	T.D. published in FR on 4-25-80.
§§ 408, 409, 219, 4973, 4974; 62; EE-18-78	Inc. Tax—Part 1—Individual retirement accounts, annuities, and retirement bonds (P.L. 93-406, § 2002) (Gibbs/Wickersham—TLC-Melton).	T.D. published in FR on 8-26-80.
§§ 408 (j), (k), (l), 219(b)(7), 404(h); EE-168-78.	Inc. Tax—Part 1—Simplified employee pensions (Rev. Act of 1978, § 152) (Gibbs/Wickersham—TLC-Melton).	Project closed without regulations on 8-26-80 by merger into EE-7-78.
§§ 411, 410; EE-4-79	Inc. Tax—Part 1—Elapsed time rules for minimum vesting and participation requirements (ERISA, § 1012(a), 1011) (Maldonado/Wickersham—TLC-Melton).	T.D. published in FR on 6-17-80.
§ 412; EE-32-78	Inc. Tax—Part 1—Alternative amortization method of funding (P.L. 93-406, § 1013(d)) (Greenblatt/Marget—TLC-Sorensen).	T.D. published in FR on 6-13-80.
§ 412(i); EE-21-78	Inc. Tax—Part 1—Treatment of certain individual and group insurance contract plans under minimum funding standards (P.L. 93-406, § 1013(a)) (/Wickersham—TLC-Sorensen).	T.D. published in FR on 7-16-80.
§ 414(e); LR-193-74	Inc. Tax—Part 1—Definition of church plans (P.L. 93-406, § 1015) (Mix/Fischer—TLC-Melton).	T.D. published in FR on 3-31-80.

Part IV.—*Regulations Projects Closed Between Mar. 1 and Aug. 31, 1980*—Continued

1954 code section and file No.	Subject and drafter and reviewer	Disposition
§ 453; LR-635	Inc. Tax—Part 1—Election to adopt installment method of reporting income from sale of real property or casual sale of personal property (Mix/Fischer—TLC-Brown).	Project closed without regulations on 7/25-80.
§ 453; LR-32-75	Inc. Tax—Part 1—Adoption of installment method of reporting by dealers of personal property (Mix/Fischer—TLC-Brown).	Project closed without regulations on 7/25-80.
§§ 482, 483; LR-171-79	Inc. Tax—Part 6—Temp. Regs.—Imputed interest rates (Schmalz/Fischer—ITC-Langbein).	Project closed without regulations on 4/24-80.
§ 501 (c)(13), (c)(2); EE-171-78	Inc. Tax—Part 1—Exempt cemetery corporations and exempt crematoria—Exempt title holding corporations (P.L. 91-618) (Beker/Thrasher—TLC-Sims).	T.D. published in FR on 5-21-80.
§§ 513(f), 527 (c)(3), (d); EE-180-78	Inc. Tax—Part 1—Proceeds from bingo games (P.L. 95-502, § 301) (Kerby/McGovern—TLC-Sims).	T.D. published in FR on 5-21-80.
§§ 528, 6012; LR-165-76	Inc. Tax—Part 1—Treatment of Homeowners Associations (TRA 1976, § 2101) (Mix/Fischer—TLC-Sims).	T.D. published in FR on 4-18-80.
§§ 892, 893, 895, 47.4382; LR-106-75	Inc. Tax—Part 1—Exemption of income of foreign gov'ts., employees of foreign gov'ts. and foreign central banks of issue, and exemption from tax on issuance of certificates of indebtedness issued by any foreign government. (Duffy/Felton—ITC-Hannes).	T.D. published in FR on 7-22-80.
§ 954(c)(3)(C); LR-226-76	Inc. Tax—Part 1—Exclusion from subpart F of certain earnings of insurance companies (TRA 1976, § 1023) (Duffy/Saverude—ITC-Dolan).	T.D. published in FR on 6-25-80.
§§ 956(d)(2), 958(b); LR-227-76	Inc. Tax—Part 1—Investment in U.S. property by controlled foreign corp.; clarification of term "pledge or guarantee" (TRA 1976, § 1021) (Feldman/Felton—ITC-Dolan).	T.D. published in FR on 8-7-80.
§§ 1014(d), 1023, 1016(a)(23), 691 (c)(2)(A), (C), 1246; LR-196-76.	Inc. Tax—Part 1—Carryover basis (TRA 1976, § 2005(a)) (Small/Smith—TLC-Sorensen)..	Project closed without regulations on 4-18-80.
§ 1502; LR-22-80	Inc. Tax—Part 5—Temporary Regulations—Consolidated returns; at risk limitations under sec. 465 (Axelrod/Blumkin—TLC/Shakow/Levinson).	T.D. published in FR on 3-14-80.
§§ 2032A, 6166 (d).. (e), (f), (h), 6324A (a), (c), 6601(j), 2013(f); LR-203-76.	Est. Tax—Part 20—Various estate tax elections and valuation of certain farm, etc., real property (TRA 1976, §§ 2003 (a), (c), 2004 (a), (b), (d); RA 1978, § 702(d)) (Hartley/Smith—TLC-Melton).	T.D. published in FR on 7-31-80.
§ 2040(d); LR-16-79	Est. Tax—Part 23—Temp. Regs.—Election to treat certain jointly held property as qualified joint interest (RA 1978, § 702(k)) (Small/Grundeman—TLC-O'Laughlin).	T.D. published in FR on 3-20-80.
§ 2601; LR-2-77	Inc. Tax—Tax on certain generation-skipping transfers—Part 26—Effective date (TRA 1976, § 2006(c)) (Grundeman/Smith—TLC-Gutman).	T.D. published in FR on 8-11-80.
§§ 2621(c)(1), 2611; LR-197-76	Proc. and Admin.—Part 404—Temp. Regs.—Generation—skipping transfer tax return requirements, etc. (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-Sorensen)).	T.D. published in FR on 8-5-80.
§§ 3121(b)(20), 1402(c)(2)(F), 3401(a)(17) 6050A; LR-279-76.	Empl. Tax—Part 31—Proc. and Admin.—Part 301—Withholding of Federal taxes on certain individuals engaged in fishing (TRA 1976, § 1207(e)) (Ausness/Coulter—TLC-Gallagher)).	T.D. published in FR on 8-27-80.
§ 3401(a)(18); LR-212-78	Empl. Tax—Part 31—Remuneration with respect to which a deduction may be allowable for certain expenses of living abroad (Foreign Earned Income Act of 1978 §§ 207(a), 209(b)) (Dean/Saverude—TLC-Roche/Dolan).	T.D. published in FR on 3-13-80.
§ 3402; LR-81-78	Empl. Tax—Part 31—Submission of withholding exemption certificates (Mantle-Saverude—TLC-Koppelman).	T.D. published in FR on 3-11-80.
§ 3506; LR-37-78	Empl. Tax—Part 31—Companion sitting placement services (Act of 11-12-77) (P.L. 95-171) § 10) (Cubeta/Bromell—TLC-Roche)).	T.D. published in FR on 4-9-80.
§§ 4091-4041, 4073, 4083, 4093, 4221; LR-56-79.	Mfgrs. and Retailers Exc. Tax—Maximum period for certain exemption certificates (Alexander/Smith).	T.D. published in FR on 3-19-80.
§ 4221-2(c); LR-116-79	Exc. Tax—Part 48—Tax-free sales by manufacturers (Kusma/Smith—TLC-Copeland).....	T.D. published in FR on 3-3-80.
§ 4942(e)(2); LR-289-76	Foundation Exc. Tax—Part 53—Blockage and similar factors in valuation of foundation assets (TRA 1976, § 1303) (Dickinson—TLC-Gutman).	T.D. published in FR on 8-26-80.
§§ 4971, 275(a)(6), 413 (b)(6), (c)(5); EE-36-78.	Inc. Tax—Part 1—Exc. Tax—Part 54—Funding; Collectively bargained plans; excise tax and related conforming amdmts. (P.L. 93-406, §§ 1013(b), 1014, 1016(a)(1)) (Rogan/Marget—TLC-Melton/Sorensen).	Project closed without regulations on 6-9-80 by merger into EE-99-78.
§§ 4986-4997; LR-265-79	Temp. Exc. Tax—Part 150—Temp. Regs.—Crude Oil Windfall Profit Tax Act (Cubeta/Bromell—TLC-Schuldinger).	T.D. published in FR on 4-4-80.
§ 4995; LR-70-80	Temp. Exc. Tax—Part 150—Temp. Regs.—To modify rules relating to withholding and depositing of tax where producer is an integrated oil company (Crude Oil Windfall Profit Tax Act of 1980) (Cubeta-Bromell—TLC-Schuldinger).	T.D. published in FR on 4-25-80.
§§ 6039A, 6694; LR-195-76	Inc. Tax—Part 1—Proc. and Admin.—Part 301—Information regarding carryover property acquired from a decedent (TRA 1976, § 2005(d) (Waltuch/Smith—TLC-Sorensen).	Project closed without regulations on 4-24-80.
§ 6103(p)(7); LR-9-79	Proc. and Admin.—Part 301—Procedures for administrative review of determination that a State or agency thereof has failed to safeguard Federal tax returns or return information (TRA 1976, § 1202(a)(1)) (Tolleris/Coulter—TLC-Krupsky).	T.D. published in FR on 4-18-80.
§ 6302; LR-10-79	Empl. Tax—Part 31—To change the deposit requirement for withheld income and FICA taxes (Tolleris/Coulter—TLC-Gallagher).	T.D. published in FR on 6-11-80.
§§ 6420, 6427; LR-181-79	Exc. Tax—Part 48—Payments for gasoline and special fuels used on farms for farming purposes (TRA 1976, § 1906(a)(26); Airport and Airways Rev. Act 1970, § 205(b)(7); Exc. Tax Reduction Act of 1965, § 809(a)) (Hartley/Smith—TLC-Copeland).	T.D. published in FR on 7-25-80.
§ 7216; LR-251-79	Proc. and Admin.—Part 301—To provide that penalty shall not apply in the case of certain conflicts of interest. (Bouknight/Saverude—TLC-Roche).	T.D. published in FR on 7-25-80.
P.L. 95-372; LR-12-79	Proc. and Admin.—Part 301—Establishment of Offshore Oil Pollution Compensation Fund (P.L. 95-372, § 302 (Sept. 18, 1978)) (Kusma/Smith).	T.D. published in FR on 5-21-80.

Table of Abbreviations

Abbreviation, Meaning

ACTS or TX—Office of Assistant Commissioner (Taxpayer Service and Returns Processing)
adj.—adjustment
admin.—administration
amdmt.—amendment
appvd.—approved
C or Comm'r. or Comm.—Office of Commissioner
CC—Office of Chief Counsel
CC:I—Office of Chief Counsel Interpretive Division
co.—company
corp.—corporation
E or EPEO—Office of Assistant Commissioner (Employee Plans and Exempt Organizations)
EE—Office of Chief Counsel, Employee Plans and Exempt Organizations Division
EO—Exempt Organizations Division
EP—Employee Plans Division
ERISA—Employee Retirement Income Security Act
est.—estate
exc.—excise
F.R.—Federal Register
fwd.—forwarded
govt.—government
hrg.—hearing
inc.—income
ITC—Office of International Tax Counsel (Treasury)
LR—Office of Chief Counsel, Legislation and Regulation Division
mfgr.—manufacturer
misc.—miscellaneous
org.—organization
perm.—permanent
P.L. or Pub. L.—Public Law
P & R—Office of Assistant Commissioner (Planning and Research)

prelim.—preliminary
prep.—preparation
proc.—procedure
prop.—proposed
prov.—provision
pub.—published
RA—Revenue Act
rec'd—Received
reg.—regulation
repub.—republished
ret'd—returned
rtlr—retailer
rev.—revenue, revised, or review (depending on context)
sec. or §—section
soc.sec.—social security
subch.—subchapter
T or Tech.—Office of Assistant Commissioner (Technical)
T:C—Corporation Tax Division
T.D.—Treasury decision
temp.—temporary
T:I—Individual Tax Division
T:FP—Tax Forms and Publications Division
TLC—Office of Tax Legislative Counsel (Treasury)
T/P—taxpayer
TRA—Tax Reform Act
Treas.—Department of the Treasury
TR & SA—Tax Reduction & Simplification Act

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federal register

Tuesday
September 30, 1980

Part III

Office of the Federal Register

64816 Approved Incorporations by Reference in Titles 42-50

64816 Title 42
Chapter I—Public Health Service, Department of Health and Human Services
Chapter IV—Health Care Financing Administration, Department of Health and Human Services

64819 Title 45
Chapter XIII—Office of Human Development Services, Department of Health and Human Services

64820 Title 46
Chapter I—U.S. Coast Guard, Department of Transportation

64832 Title 47
Chapter I—Federal Communications Commission

64832 Title 49
Subtitle A—Office of the Secretary of Transportation
Chapter I—Research and Special Programs Administration, Department of Transportation
Chapter II—Federal Railroad Administration, Department of Transportation
Chapter V—National Highway Traffic Administration, Department of Transportation
Chapter X—Interstate Commerce Commission

OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51

Approval of Incorporations by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference.

SUMMARY: The Director of the **Federal Register** has received requests from several agencies to approve materials incorporated by reference into Titles 42 through 50 of the *Code of Federal Regulations* (CFR). This document contains a table of items that have been approved by the Director.

EFFECTIVE DATE: The Director approves the following incorporations by reference for one year effective October 1, 1980, unless otherwise noted.

FOR FURTHER INFORMATION CONTACT: Rose Anne Lawson at (202) 523–4534.

SUPPLEMENTARY INFORMATION:

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The materials included on the table below are incorporated by reference in the CFR under 5 U.S.C. 552(a) and 1 CFR Part 51. These procedures provide that material approved for incorporation by reference by the Director of the Federal Register has the same legal status as if it were published in full in the **Federal Register.**

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Extensions. The Director has granted extensions of approval with respect to some material. These extensions are necessary in order to complete the review process under 1 CFR 51.13. Materials to which an extension applies are marked in the table.

Other CFR Titles. For materials approved for incorporation by reference in Titles 28 through 41 of the CFR, see documents published on June 30, 1980 at 45 FR 44090; on July 14, 1980 at 45 FR 47111; and on September 9, 1980 at 45 FR 59297.

For materials approved for incorporation by reference in Titles 1 through 16 of the CFR, a document will be published on December 31, 1980.

For materials approved for incorporation by reference in Titles 17 through 27 of the CFR, a document will be published on March 31, 1981.

Problems. If you have any problems getting the material, notify the agency. If you find the material is not available, notify the Director of the Federal Register (NARS), Washington, D.C. 20408 or call (202) 523–4534.

Martha B. Girard,

Acting Director, Office of the Federal Register.

September 22, 1980.

42 CFR CHAPTER I (PARTS 1–199)—PUBLIC HEALTH SERVICE DEPARTMENT OF HEALTH AND HUMAN SERVICES

	CFR Citation
American National Standards Institute, Inc. (ANSI) 1430 Broadway, New York, NY 10018	
ANSI A117.1 1961 (R–1971), American National Standard Specifications for Making Buildings Accessible to, and Usable by, the Physically Handicapped.	36.110(b)(10); 51c.503(a)(7)(iii)(A); 52b.8(j).

American Society of Heating, Refrigerating and Air Conditioning Engineers (ASERAE) United Engineer Center, 345 East 47th Street, New York, N.Y. 10017	
Handbook of Fundamentals, 1977.	Part 36, Subpart H, Appendix A(b)(1); 52b.11(b)(1)
Extension granted to Nov. 1, 1980.	
American Society of Mechanical Engineers (ASME) United Engineer Center, 345 East 47th Street, New York, N.Y. 10017	
Boiler and Pressure Vessel Code, 1977 edition, with current addenda, section 8, Division I.	Part 36, Subpart H, Appendix A(b)(3).
National Plumbing Code, 1955	Part 36, Subpart H, Appendix A(b)(2).
Compressed Gas Association (CGA) 500 Fifth Avenue, New York, N.Y. 10036	
Pamphlet P-2.1, Standard for Medical-Surgical Vacuum Systems in Hospitals.	52b.11(b)(4).
Emergency Department Nurses' Association P.O. Box 1566, East Lansing, Mich. 48823; and	
American Nurses' Association 242 Pershing Road, Kansas City, Mo. 64108	
ANA Publication Code MS-S "Standards of Emergency Nursing Practice".	57.2106(b)(3)(i).
General Services Administration Specifications and Consumer Information, Distribution Section (WFSIS), Washington Navy Yard, Building 197, Washington, D.C. 20407	
Federal Specification, Ambulance Emergency Care Vehicle, GSA, KKK-A01822A.	56a.102-definition of "Ground Vehicles"
Department of Health and Human Services The following documents are available for public inspection and copying at the Central Information Center, Department of Health and Human Services, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201 and Regional Office Information Centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.	
Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities, DHHS publication No. (HRA) 79-14500.	Part 36, Subpart H, Appendix A.
Chapter 1-420 of the Department of Health and Human Services Grants Administration Manual.	51a.512; 66.213(b)(2)(ii); 122.211(c)(2)(ii).
Department of Health and Human Services' General Administration Manual, Chapter 9, Committee Management.	52h.3(a); 52h.4(a).
"Guide for Audits of Migrants Health Grants" of the Department of Health and Human Services' Audit Agency.	56.603(c); 56.303(d)
Chapter 1-43 of the Department of Health and Human Services Grants Administration Manual.	66.113(b); 66.210(b); 67.22(b); 86.33(b).
Part 2.1 (except section 5.4, 8.8, 11.2, 11.3, 11.4, Chapter 12, sections 13.2, 13.3 and exhibits 9 and 10) of DHHS Technical Handbook for Facilities Engineering and Construction Manual, Federally Assisted Construction, entitled "2.1 Information for Project Applicants and State Agencies on Design and Construction Related Activities".	110.1005(a)
Extension granted to Nov. 1, 1980	
Chapter 14 of DHHS Publication No. (MRA) 79-14500, Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities, "Small Primary Health Care Centers," except for the last sentence of paragraph 14.1A, the parenthetical phrase "(usually 4)" in paragraph 14.1B(1) and paragraph 14.1B(3) in its entirety.	110.1005(b)(2).
International Conference of Building Officials 5360 South Workman Mill Road, Whittier, Calif. 90601	
Uniform Building Code, 1979 edition	52b.11(g); 52b.11(a); Part 36, Subpart H, Appendix A(g).
Extension granted to Nov. 1, 1980	
National Association of Plumbing-Heating-Cooling Contractors 1016 20th Street NW., Washington, D.C. 20036	

National Standard Plumbing Code.....	52b.11(b)(2).
Extension granted to Nov. 1980	
National Conference of States on Building Codes and Standards 481 Carlisle Drive, Herndon, Va. 22070	
National Building Code, 1976 edition.....	Part 36, Subpart H, Appendix A(a).
Extension granted to Nov. 1980.....	
National Council on Radiation Protection and Measurement P.O. Box 30175, Washington, D.C. 20014. (Also available for examination at ALOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505 and National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md. 20857.)	
NCRP Report No. 33, Medical X-ray and Gamma-Ray Protection for Energies Up to 10 MeV—Equipment Design and Use (issued February 1, 1968).	Part 36, Subpart H, Appendix A(f), 37.43; 52b.11(f).
Handbook reports 35, 1970; and 36, 1970, of the National Council on Radiation Protection and Measurement.	Part 36, Subpart H, Appendix A(f).
NCRP Report No. 48, Medical Radiation Protection for Medical and Allied Health Personnel (issued August 1, 1976).	37.43
NCRP Report No. 49, Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma-Rays of up to 10 MeV (issued September 15, 1976).	37.43; Part 36, Subpart H, Appendix A(f); 52b.11(f).
National Fire Protection Association 470 Atlantic Avenue, Boston, Mass. 02110	
NFPA No. 101, 1976, Life Safety Code.....	Part 36, Subpart H, Appendix A(c), 51c.503(a)(7)(iii)(B); 52b.11(c); 52b.11(d).
NFPA No. 70, 1981, National Electric Code.....	Part 36, Subpart H, Appendix A(e), 52b.11(e).
NFPA Bulletin No. 56F, Standard for Non-Flammable Medical Gas Systems, 1977.	52b.11(b)(3).
United States Public Health Service Dr. Charles T. Hall, Bureau of Laboratories, Laboratory Training and Consultation Division, VD Training Branch, Building 3, Room B-46, Center for Disease Control; 1600 Clifton Road NE., Atlanta, Ga. 30333	
"Manual of Tests for Syphilis, 1969" USPHS Publication.....	74.22(c). No. 411, January, 1969
Department of Transportation, National Highway Traffic Safety Administration (Also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.)	
Basic Training Course/Emergency Medical Technician (2nd Edition) Course Guide 1977 (DOT Pub. No. HS 802534 through 536).	56a.102—definition of "appropriate training and experience" (3)(i); 57.2106(b)(1).
Extension granted to Nov. 1, 1980	
Course Guide, National Training Course, Emergency Medical Technician—Paramedic 1977, (DOT Pub. No. HS 802437 through 452).	56a.102—definition of "appropriate training and experience" (3)(ii).
Extension granted to Nov. 1, 1980	
Appendix A, "National Training Course Guide for Emergency Medical Technicians—Paramedic".	57.2106(b)(2).
Extension granted to Nov. 1, 1980	

42 CFR CHAPTER IV (PART 400 TO END)—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

	CFR Citation
American Hospital Association (The following document is available from: Health Care Financing Administration, Office of Management and Budget, Division of Communication Services, Printing and Publishing Branch, Gwynn Oak Building, Baltimore, Md. 21235)	

Chart of Accounts for Hospitals, 1973 Edition	405.415(b)(7)(i).
Extension granted to Nov. 1, 1980	
American Lung Association (Formerly National Tuberculosis Association)	
1740 Broadway, New York, N.Y. 10019	
Diagnostic Standards and Classification of Tuberculosis, 1974 Edition	405.1039(b)(2).
American National Standards Institute (ANSI)	
1430 Broadway Street, New York, N.Y. 10018	
ANSI Standard No. A117.1 (1971) Specification for Making Buildings and Facilities Accessible by the Physically Handicapped.	405.1134(c); 442.330 (a)(2) and (b).
American Psychiatric Association	
1700 18th Street NW., Washington, D.C. 20009	
Diagnostic and Statistical Manual of Mental Disorders, 3rd Edition 1980.	405.243(b); 405.1037(a)(12).
National Fire Protection Association (NFPA)	
470 Atlantic Ave., Boston, Mass. 02210	
NFPA Standard No. 101, Life Safety Code, 1976	442.322; 405.1022(b); 405.1134(a); 442.321(a); 442.507(a).
NFPA Standard No. 56A, Section 252; Inhalation Anesthetics, 1973	405.1022(b)(3).
NFPA Standard No. 56B Respiratory Therapy, 1976	405.1022(b)(4); 405.1134(a).
NFPA Standard No. 56F, Nonflammable Medical Gas Systems, 1977	405.1022(b)(4); 405.1134(a).
NFPA Standard No. 220, Standard on Type of Building Construction, 1979 Edition.	442.323(b)(1); 442.509.
National Academy of Sciences	
Academy Press, 2101 Constitution Avenue NW., Washington, D.C. 20418	
Recommended Dietary Allowances, Current Edition (9th, 1980)	405.1025(c)(2); 442.332(a)(1); 442.466(c).
Health Care Financing Administration	
Office of Management and Budget, Division of Communication Services, Printing and Publication Branch, Gwynn Oak Building, Baltimore, Md. 21235 (HCFA Publication)	
Part 7–71–00 of the Medical Assistance Manual	433.110; 433.111; 433.112(b)(2).
Long Term Care Manual	442.323(a)(2).

45 CFR CHAPTER XIII (PARTS 1300–1399)—OFFICE OF HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

	CFR Citation
National Fire Protection Association	
470 Atlantic Avenue, Boston, Mass. 02210	
Life Safety Code, NFPA No. 101, 1978 ed	1321.123(b); 1328.35(b).

(Copies are available for inspection at Administration on Aging, Public Inquiries Room 4146, 330 Independence Ave, S.W., Washington, DC 20201.)

46 CFR SUBCHAPTER D—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

	CFR Citation
American Bureau of Shipping (ABS)	
65 Broadway, New York, N.Y. 10006	
Rules for Building and Classing Steel Vessels 1980	31.10–1; 32.60–1; 32.65–5; 32.65–40.
American Society for Testing and Materials (ASTM)	
1916 Race St., Philadelphia, PA 19103	
D–93, Test for Flash Point by Pennsky-Martens Closed Tester, 1979	35.25–10.
Extension granted to Nov. 1, 1980	
D–323, Test for Vapor Pressure of Petroleum Products, 1979	30.10–22; 30.10–59.

Inter-Governmental Maritime Consultative Organization (IMCO)	
IMCO Sales, New York Nautical Instrument and Service Corp., 140 West Broadway, New York, N.Y. 10013	
A.264 (VIII), Bulk Grain Cargoes, 1966	31.10–33.
Extenstion granted to Nov. 1, 1980	
National Fire Protection Association (NFPA)	
470 Atlantic Ave., Boston, Mass. 02210	
306, Control of Gas Hazards on Vessels to be repaired, 1975	35.01–1.
Coast Guard	
G–MMT/12, 2100 2nd St. SW., Washington, D.C. 20593	
160.14, "Compass and mounting, dated December 14, 1944" (Specification for Compasses, Magnetic, Liquid-filled, Mariners, Compensating for Life boats (with mounting) for Merchant Vessels), 1944.	33.15–10.
Naval Publications and Forms Center	
Customer Service—Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120	
Federal Specification ZZ–H–451, Hose, fire, Woven-Jacketed Rubber or Cambric-Lined, with Couplings, E.	34.10–10.
Extension granted to Nov. 1, 1980	

46 CFR SUBCHAPTER F—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

	CFR Citation
American Boat and Yacht Council (ABYC)	
15 East 26th St., New York, N.Y. 10017	
P–1, Recommended Practice and Standards Covering Safe Installation of Exhaust systems for Propulsion and Auxiliary Machinery, 1971.	58.10–5.
Extension granted to Nov. 1, 1980	
American Bureau of Shipping (ABS)	
65 Broadway, New York, N.Y. 10006	
Rules for Building and Classing Steel Vessels, 1980	58.01–5; 58.20–5.
American National Standards Institute (ANSI)	
1430 Broadway, New York, N.Y. 10018	
Extension granted to Nov. 1, 1980 for all the following ANSI standards.	
B1.1, Unified Inch Screw Threads, 1974	56.60–1.
B2.1, Pipe Threads, 1968	56.60–1.
B2.2, Dry Seal Pipe Threads, 1968	56.60–1.
B16.1, C.I. Flanges and Fittings, 1975	56.60–1; 56.60–10; 56.60–15.
B16.3, M.I. Threaded Fittings, 150 and 300 Lb, 1977	56.60–1.
B16.4, C.I. Threaded Fittings, 125 and 250 Lb, 1977	56.60–1.
B16.5, Steel Pipe Flanges and Pipe Fittings, 1977	56.20–1; 56.30–10; 56.60–1; 56.60–15.
B16.9, Steel Butt Welding fitting, 1978	56.60–1.
B16.10, Dimensions of Ferrous Valves, 1973	56.60–1.
B16.11, Steel S. W. and Threaded Fittings, 1973	56.30–5; 56.60–1.
B16.14, Ferous Threaded Plugs Bushings, and Locknuts, 1977	56.60–1.
B16.15, Cast Bronze Threaded Fittings, 1978	56.60–1.
B16.18, Cast Brass Solder-Joints, 1978	56.60–1.
B16.20, Ring Joint Gaskets, Steel Flanges, 1973	56.60–1.
B16.21, Non-metallic Gaskets for Flanges, 1978	56.60–1.
B16.22, Wrought Copper and Bronze Solder Joint Fittings, 1973	56.60–1.
B16.23, Cast Bronze Solder-Joint Drainage, 1976	56.60–1.
B16.24, Brass or Bronze Flanges and Fittings, 1979	56.60–1.
B16.25, Butt-welded Ends-Pipe, Valves, Flanges and Fitting, 1979	56.60–1.
B16.28, Wrought Steel Butt-welded Short-radius Elbows and Returns, 1978.	56.60–1.
B16.29, Wrought Copper and Wrought Copper Alloy-Solder Joint Drainage and Fittings, 1973.	56.60–1.
B18.2, Square and Hexagon Bolts and Nuts, 1972	56.25–20; 56.60–1.
B31.1, Power Piping, 1977, with 1979 Addendum	Part 56.
B31.5, Refrigeration Piping, 1974	58.20–5; 58.20–20.
B36.10, Stainless Steel Pipe, 1979	56.07–5; 56.30–20; 56–60–1.

B36.19, Stainless Steel Pipe, 1976	56.07–5.
B93.5, Recommended Practice for the Use of Fire Resistant Fluids for Fluid Power Systems, 1973.	58.30–1.
Z21.22, Temperature-Pressure Relief Valves, 1974	63.10–30.
American Petroleum Institute (API)	
Production Department, 300 Corrigan Tower Bldg.; Dallas, Tex. 75201	
"Requirements for Piping", 1978	56.01–1.
Extension granted to Nov. 1, 1980.	
American Society of Mechanical Engineers (ASME)	
United Engineering Center, 345 East 47th St., New York, N.Y. 10017	
Boiler and Pressure Vessel Code, Section I, Power Boilers, 1979, with addenda through Summer 1980.	Part 52; 56.95–10; 58.30–15; 59.10–5.
Extension granted to Nov. 1, 1980.	
Section III, Division I, Nuclear Power Plant Components, 1977, with addenda through Summer 1980.	Part 52; 56.95–10; 58.30–15; 59.10–5.
Extension granted to Nov. 1, 1980.	
Section IV, Section VII, Section VIII, Division I, Heating Boilers, Care of Power Boilers Pressure Vessels, 1977, with addenda through Summer 1980.	Part 53; 59.01–3; Part 54; 56.01–6; 56.30–10; 56.30–30; 56.60–1; 56.95–10; 58.30–15; 59.10–5; 64.5; 64.7; 64.11; 64.21; 64.25; 64.31; 64.61.
Extension granted to Nov. 1, 1980.	
Section IX, Welding and Brazing Qualifications, 1977, with addenda through Summer 1980.	Part 57; 56.70–5; 56.70–20; 56.75–20; 56.85–10; 59.10–5.
Extension granted to Nov. 1, 1980.	
American Society for Testing and Materials (ASTM)	
1916 Race Street, Philadelphia, Pa. 19103	
A20, General Requirements for Steel Plates for Pressure Vessels, 1978	54.25–10.
A36, Structural Steel, 1977a	56.30–10.
A47, Malleable Iron Castings, 1977	56.60–1.
A53, Pipe, Steel, Black and Hot-Dipped Zinc-Coated, Welded and Seamless, 1979.	56.01–6; 56.10–1.
A106, Seamless Carbon Steel Pipe for High Temperature Service, 1979b.	56.60–1.
A126, Gray Iron Castings for Valves, Flanges and Pipe Fittings, 1973	56.60–1.
A134, Electric Fusion (Arc)-Welded Steel Plate Pipe (sizes 16 in. and over), 1974.	56.60–1.
A135, Electric-Resistance-Welded Steel Pipe, 1979	56.60–1.
A139, Electric Fusion (Arc)-Welded Steel Pipe (sizes 4 in. and over), 1974.	56.60–1
A178, Electric-Resistance Welded Carbon Steel Boiler Tubes, 1979b	56.60–1.
A179, Seamless Cold-Drawn Low Carbon Steel Heat Exchanger and Condenser Tubes, 1979.	56.60–1.
A193, Alloy Steel and Stainless Steel Bolting Materials for High Temperature Service, 1979a.	58.30–15.
A197, Cupola Malleable Iron, 1978	56.60–1
A199, Seamless Cold Drawn Intermediate Alloy Steel Heat Exchanger and Condenser Tubes, 1979a.	56.60–1.
A203, Pressure Vessel Plates, Alloy Steel, Nickel, 1979	54.05–20.
A210, Seamless Medium Carbon Steel Boiler & Super Heater Tubes, 1979a.	56.60–1.
A213, Seamless Ferritic and Austenitic Alloy Steel Boiler, Superheater & Heat Exchanger Tubes, 1979b.	56.60–1.
A214, Electric-Resistance-Welded Carbon Steel Heat Exchanger and Condenser Tubes, 1979.	56.60–1.
A226, Electric-Resistance-Welded Carbon Steel Boiler and Superheater Tubes for High-Pressure Service, 1979.	56.60–1.
A234, Piping Fittings of Wrought Carbon Steel and Alloy Steel for Moderate and Elevated Temperatures, 1979a.	56.60–1.
A249, Welded Austenitic Steel Boiler, Superheater, Heat Exchanger, and Condenser Tubes, 1979b.	56.60–1.
A268, Seamless and Welded Ferritic Stainless Steel Tubing for General Service, 1979a.	56.60–1.

A276, Stainless and Heatresisting Steel Bars and Shapes,1978	56.60–2.
A307, Carbon Steel Externally Internally Standard Fasteners, 1978	56.25–20.
A312, Seamless and Welded Austenitic Stainless Steel Pipe, 1979a	56.60–1.
A333, Seamless and Welded Steel Pipe for Low Temperature Service, 1979.	56.60–1.
A334, Seamless and Welded Carbon and Alloy Steel Tubes for Low Temperature Service, 1979.	56.60–1.
A335, Seamless Ferritic Alloy Steel Pipe for High Temperature Service, 1979a.	56.60–1.
A358, Electric Fusion-Welded Austenitic Chromium Nickel Alloy Steel Pipe for High Temperature Service, 1979a.	56.60–1.
A369, Carbon and Ferritic Alloy Steel Forged and Bored Pipe for High Temperature Service, 1979a.	56.60–1.
A370, Mechanical Testing of Steel Products, 1977	54.25–20.
A376, Seamless Austenitic Steel Pipe for High Temperature Central Station Service, 1979b.	56.07–10; 56.60–1.
A395, Ferritic Ductile Iron Pressure-Retaining Castings for Use at Elevated Temperatures, 1977.	56.60–1.
A403, Wrought Austenitic Stainless Steel Piping Fittings, 1979	56.60–1.
A420, Piping Fittings of Wrought Carbon Steel and Alloy Steel for Low Temperature Service, 1979.	56.60–1.
A430, Austenitic Steel, Forged and Bored Pipe for High Temperature Service, 1979.	56.60–1.
A520, Supplementary Requirements for Seamless and Electric-Resistance-Welded Carbon Steel Tubular Products for High Temperature Service Conforming to ISO Recommendations for Boiler Construction, 1972.	56.60–1.
A575, Merchant Quality Hot Rolled Carbon Steel Bars, 1973	56.60–2.
A576, Steel Bars, Carbon, Hot Rolled, Special Quality, 1974	56.60–2.
B16M, Free-cutting Brass Rod, Bar, and Shapes for Use in Screw Machines (Metric), 1980.	56.60–2.
B21, Naval Brass Rod, Bar, and Shapes, 1980	56.60–2.
B26, Aluminum-Alloy Sand Castings, 1978	56.60–2.
B42, Seamless Copper Pipe, Standards Sizes, 1980	56.60–1.
B43, Seamless Red Brass Pipe, Standards Sizes, 1980	56.60–1.
B68, Seamless Copper Tube, Bright Annealled, 1980	56.60–1.
B75, Seamless Cooper Tube, 1980	56.60–1.
B85, Aluminum Alloy Die Castings, 1976	56.60–2.
B88, Seamless Copper Water Tube, 1980	56.60–1.
B96, Copper Silicon Alloy Plate and Sheet for Pressure Vessels, 1980	56.60–2.
B97, Copper Silicon Alloy Plate, Sheet, Strip and Rolled Bar for General Purposes, 1980.	58.50–5.
B111, Copper and Copper Alloy Seamless Condenser Tube and Ferrule Stock, 1980.	56.60–1.
B122, Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver) & Copper-Nickel Alloy Plate, Sheet Strip and Rolled Bar, 1980.	58.50–5.
B124, Copper and Copper Alloy Forging Rod, Bar and Shapes, 1980	56.60–1.
B127, Nickel Copper Alloy (UNS No 4400) Plate, Sheet and Strip, 1974	58.50–5; 58.50–10.
B152, Copper Sheet, Strip, Plate, and Rolled Bar, 1979	58.50–5.
B154, Mercurous Nitrate Test for Copper and Copper Alloys, 1980	56.60–1.
B161, Nickel Seamless Pipe and Tube, 1975 Extension granted to Nov. 1, 1980.	56.60–1.
B167, Nickel-Chromium-Iron Alloy (UNS No 6600) Seamless Pipe and Tube, 1975.	56.60–1.
B171, Copper-Alloy Condenser Tube Plates, 1980	56.60–2
B209, Aluminum Alloy Sheet and Plate, 1978	58.50–5; 58.50–10.
B210, Aluminum Alloy Drawn Seamless Tubes, 1978	56.60–1.
B234, Aluminum Alloy Drawn Seamless Tubes for Condensers and Heat Exchangers, 1977.	56.60–1.
B241, Aluminum Alloy Seamless Pipe and Seamless Extruded Tube, 1976.	56.60–1.
B280, Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, 1980.	56.60–1.
B283, Copper and Copper Alloy Die Forging (Hot-pressed), 1980	56.60–2.

B315, Seamless Copper Alloy Pipe and Tube, 1980	56.60–1.
B361, Factory Made Wrought Aluminum and Aluminum Alloy Welding Fittings, 1976.	56.60–1.
D92–57, Test for Flash and Fire Points by Cleveland Open Cup, 1978	58.30–10.
D93, Test for Flash Point by Pensky-Martens Closed Tester, 1977	58.01–10; 58.01–15.
Extension granted to Nov. 1, 1980.	
D323, Test for Vapor Pressure of Petroleum Products (Reid Method), 1979.	58.16–5.
D396, Fuel Oils, 1979	63.05–75; 65.10–75.
D635, Test Rate of Burning and/or Extent and Time of Burning of Self-Supporting Plastics in a Horizontal Position, 1977.	56.60–25.
D1785, Poly (Vinyl Chloride) (PVC) Plastic Pipe Schedules 40, 80, and 120, 1976.	56.60–25.
D2241, Poly (Vinyl Chloride) (PVC) Plastic Pipe (SDR–PR), 1978	56.60–25.
D2464, Threaded Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80, 1976.	56.60–25.
D2466, Socket-type Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40, 1978.	56.60–25.
D2467, Socket-type Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80, 1976a.	56.60–25.
E23, Notched Bar Impact Testing of Metallic Materials, 1972 Reapproved 1978.	54.05–5; 56.50–105.
E208, Conducting Drop-Weight Test to Determine Nil-Ductility Transition Temperature of Ferritic Steels, 1969 Reapproved 1975.	54.05–5.
Compressed Gas Association (CGA)	
500 Fifth Avenue, New York, N.Y. 10036	
S–1.2, Safety Relief Device Standards—Cargo and Portable Tanks for Compressed Gases, 1966.	54.15–25.
Extension granted to Nov. 1, 1980.	
S–1.2.5.2, Flow Test of Safety Relief Valves, 1966	54.15–10.
Extension granted to Nov. 1, 1980.	
Fluid Controls Institute, Inc.	
Plaza 222, U.S. Highway One, Tequesta, Fla. 33458.	
69–1, Pressure Rating Standard for Steam Traps	56.60–1.
Extension granted to Nov. 1, 1980.	
Manufacturers Standardization Society (MSS)	
1815 North Fort Myer Drive, Room 913, Arlington, Va. 22209	
Extensions granted to Nov. 1, 1980 for all the following MSS standards.	
SP–6, Finishes on Flanges, Valves and Fittings, 1974	56.25–10; 56.60–1.
SP–9, Spot-facing for Bronze, Iron and Steel Flanges, 1977	56.60–1.
SP–25, Standard Marking System for Valves, Fittings, Flanges and Unions, 1978.	54.01–25; 56.15–1; 56.20–5.
SP–42, Class 150—Corrosion Resistant Gate Globe, Angle and Check Valves with Flanged and Butt-Welded Ends, 1978.	56.60–1.
SP–44, Steel Pipe Line Flanges, 1975	56.60–1.
SP–45, By-pass and Drain Connection, 1976	56.20–20; 56.60–1.
SP–51, Standard 150 lb Corrosion Resistant Cast Flanges and Fittings, 1978.	56.60–1.
SP–53, Quality Standard for Steel Castings for Valves, Flanges and Fittings and other Piping Components (Dry, Powder Magnetic Particle Inspection Method.), 1971.	56.60–1.
SP–55, Quality Standard for Steel Castings for Valves, Flanges and Fittings and other Piping Components (Visual Method), 1971 reaffirmed 1975.	56.60–1.
SP–58, Pipe Hangers and Supports, 1975	56.60–1.
SP–61, Pressure Testing of Steel Valves, 1961	56.60–1.
SP–67, Butterfly Valves, 1976	56.60–1.
SP–69, Pipe Hangers and Supports-Selection and Application, 1976	56.60–1.
SP–72, Ball Valves with Flanged or Butt-Welded Ends for General Service, 1970.	56.60–1.
SP–73, Silver Brazing Joints for Wrought and Cast Solder Joint Fittings, 1978.	56.60–1.
Military Specification	
Naval Publications and Forms Center Customer Service, Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120	

MIL–S–901, Shock Tests, HI, (High Impact); Shipboard Machinery Equipment and Systems, Requirements for. Extension granted to Nov. 1, 1980.	C58.30–1.
National Fire Protection Association (NFPA) 470 Atlantic Avenue, Boston, Mass. 02210	
To, National Electical Code, 1980	63.05–85; 63.10–85.
302, Part 1, Sect. 23, Fire Protection for Motor Craft, Pleasure and Commercial, 1972.	58.10–5.
Society of Automotive Engineers (SAE) Two Pennsylvania Plaza; New York, N.Y. 10001	
J429, Mechanical and Quality Requirements for Externally Threaded Fasteners, 1977. Extension granted to Nov. 1, 1980.	58.30–15.
Tubular Exchanger Manufacturers Association (TEMA) 707 Westchester Avenue, White Plains, N.Y. 10604.	
Heat Exchangers, Class "B," "C," or "R", 1968 Rev. 1970 Extension granted to Nov. 1, 1980.	54.01–2.
Underwriters Laboratories (UL) 333 Pfingsten Road, Northbrook, Ill. 60062	
UL174, Household Electric Storage Tank Water Heaters, 1979	63.15–5; 63.15–35.
UL296, Standard for Oil Burners, 1975 Extension granted to Nov. 1, 1980.	63.05–70; 63.05–85; 63.10–70; 63.10–85.
UL343, Standard for Pumps for Oil Burning Appliances, 1976	63.05–55; 63.10–65.
UL506, Standards for Specialty Transformers, 1977 with revisions through 1978.	63.05–55; 63.10–55.
UL814, Standard for Gas Tube Sign and Ignition Cable, 1978 Extension granted to Nov. 1, 1980.	63.05–55; 63.10–55.
UL1102, Non-Integral, Marine Fuel Tanks, 1980	58.50–15.

46 CFR SUBCHAPTER H—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

	CFR Citation
American Bureau of Shipping (ABS) 65 Broadway, New York, N.Y. 10006	
Rules for Building and Classing Steel Vessels, 1980	70.35–1; 71.15–1; 72.01–20; 72.01–15.
American Society for Testing and Materials (ASTM) 1916 Race St., Philadelphia, Pa. 19103	
093, Test for Flash Point by Pennsky-Martens Closed Tester, 1973 Extension granted to Nov. 1, 1980.	78.17–75.
Coast Guard G–MMT/12, 2100 2nd St. SW., Washington, D.C. 20593	
160.014, "Compass and mounting, dated December 14, 1944" (Specification for Compasses, Magnetic, Liquid-filled, Mariners, Compensating for Life boats (with mounting) for Merchant Vessels.), 1944.	75.20–15.
Federal Specification Naval Publications Forms Center, Customer Service, Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
ZZ–H–451, Hose, Fire, Woven-Jacketed Rubber or Cambric-Lined, with Couplings, E. Extension granted to Nov. 1, 1980.	76.10–10.
Inter-Governmental Maritime Consultative Organization (IMCO) IMCO Sales New York Nautical Instrument and Services Corp., 140 West Broadway, New York, N.Y. 10013	
A/ES III, Res. 108 Annexes I thru IV dated Nov. 30, 1966, Amendments to Chapter II of the International Convention for Safety of Life at Sea, 1960. (Adopted as part of International Convention for Safety of Life at Sea, 1960.) (Adopted as part of International Convention for the Safety of Life at Sea, 1974).	80.20
National Fire Protection Association (NFPA) 470 Atlantic Ave., Boston, Mass. 02210	
306, Control of Gas Hazards on Vessels to be Repaired, 1980	71.60–1.

Code for Flammable Anesthetics (Replaced by NFPA 56A, Inhalation Anesthetics, 1973).	72.05–10.
Underwriters Laboratories (UL)	
33 Pfingstan Rd., Northbrook, Ill. 60062	
UL–19, Woven-Jacketed, Rubber Lined Fire Hose, 1978	76.10–10.
Extension granted to Nov. 1, 1980.	

46 CFR SUBCHAPTER I—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

	CFR Citation
American Bureau of Shipping (ABS)	
65 Broadway, New York, N.Y. 10006	
Rules for Building and Classing Steel Vessels, 1980	90.35–1; 91.15–1; 92.01–10.
American Society for Testing and Materials (ASTM)	
1916 Race St., Philadelphia, Pa. 19103	
D93, Test for Flash Point by Pennsky-Martens Closed Tester, 1973	97.15–55.
Extension granted to Nov. 1, 1980.	
D–323, Method of Test for Vapor Pressure of Petroleum Products (Reid Method), 1979.	105.10–15.
Coast Guard	
G–MMT/12, 2100 2d St. SW., Washington, D.C. 20593	
160.014, "Compass and Mounting, dated December 14, 1944" (Specification for Compasses, Magnetic, Liquid-filled, Mariners, Compensating for Life boats (with mounting) for Merchant Vessels.), 1944.	94.20–15.
Federal Specification	
Naval Publications Forms Center, Customer Service, Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
ZZ–H–451, Fire, Woven-Jacketed, Rubber or Cambric-Lined, with Couplings, E.	95.10–10.
Extension granted to Nov. 1, 1980.	
Inter-Governmental Maritime Consultative Organization (IMCO)	
IMCO Sales, New York Nautical Instrument and Service Corp., 140 West Broadway, New York, N.Y. 10013	
A.264 (VIII), Bulk Grain Cargoes, 1966	93.20–5.
Extension granted to Nov. 1, 1980.	
National Fire Protection Association (NFPA)	
470 Atlantic Ave., Boston, Mass. 02210	
306, Control of Gas Hazards on Vessels to be Repaired, 1980	91.50–1.
Underwriters Laboratories (UL)	
333 Pfingsten Rd., Northbrook, Ill. 60062	
UL–19, Woven-Jacketed, Rubber Lined Fire Hose, 1978	95.10–10.
Extension granted to Nov. 1, 1980.	

46 CFR SUBCHAPTER J—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

Extensions to Dec. 1, 1980 have been granted for all standards incorporated by reference in Subchapter J as follows:

	CFR Citation
American Bureau of Shipping (ABS)	
65 Broadway, New York, N.Y. 10006	
Rules for the Classification and Construction of Steel Vessels, 1979	110.10–1; 111.05–10; 111.10–5; 111.10–15; 111.30–30; 111.35–5.
American National Standards Institute (ANSI)	
1430 Broadway, New York, N.Y. 10018	
A17.1, Safety Code for Elevators Dumbwaiters, Escalators and Moving Walles, 1978.	110.10–1; 110.80–35.
C42, Definition of Electrical Terms, 1979	110.10–1.
American Society for Testing and Materials (ASTM)	
1916 Race Street, Philadelphia, Pa. 19103	
D323, Test for Vapor Pressure of Petroleum Products (Reid Method), 1979.	111.85–5.
Instrument Society of America (ISA)	
RP12.2, Recommended Practice for Intrinsically Safe and Non-Incendive Electrical Instruments, 1965.	110.10–1; 111.80–8.

Institute of Electrical and Electronic Engineers (IEEE)	
345 East 47th St., New York, N.Y. 10017	
No. 45, Recommended Practice for Electric Installations on Shipboard, 1977.	110.10–1; 111.30–5; 111.30–10; 111.60–1; 113.10–90; 113.15–90; 113.20–90.
Military Specifications	
Naval Publications Forms Center, Customer Serv.-Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
MIL–W–76, Wire and Cable, Hook-up Electrical B Insulated, (1960, with 1962 amendment).	113.05–10.
MIL–C–915, Specification, Cable and Cord Electrical for Shipboard use, (1972 with 1973 amendment).	110.10–1; 111.60–1.
Mil–C–2194, Cable, Power Electrical, Reduced Diameter Type, Naval Shipboard, E.	110.10–1; 111.60–1; 111.75–20.
MIL–W–16878, Wire, Electrical, D (1961, with 1967 amendment)	113.05–10.
MILL–C–23206, Cable, Special Purpose, Nuclear Plant	110.10–1; 111.60–1.
National Electrical Manufacturers Association (NEMA)	
2101 L Street NW., Washington, D.C.	
Large Circuit Breakers	110.10–1; 111.50–15.
Molded Case Circuit Breakers	110.10–1.
MG 1, Motors and Generators, 1978 rev, 1979	110.10–1; 111.05–30; 111.10–30; 111.25–10.
National Fire Protection Association (NFPA)	
470 Atlantic Ave, Boston, Mass. 02210	
Code of use of Flammable Anesthetics (Safe Practice for Hospital Operating Rooms) (Replaced by NFPA50A, Inhalation Anesthetic 1978).	110.10–1; 111.80–20.
70, National Electrical Code, 1978	110.10–1; 111.50–15; 111.80–5.
Naval Ships System Command:	
Naval Publications Forms Center, Customer Serv. – Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
NavShips 250–666–23, Cable Comparision Guide, 1975	110.10–1; 111.60–1.
Underwriters Laboratories (UL)	
21333 Pfingsten Road, Northbrook, Ill. 60062	
UL 498, Attachment Plugs and Receptacles, 1974, with revs. thru 1978	110.10–1; 111.75–30.
UL 197, Commercial Electric Cooking Appliance, 1978, with revs thru 1979.	110.10–1; 111.80–65.
UL 496, Edison-Base Lampholders, 1975, with revs thru 1978	110.10–1.
UL 104, Elevator Electric Contacts and Elevator Hoistway Door Interlocks, 1973.	110.10–1; 111.80–35.
UL 98, Enclosed Switches, 1974, with revs/supp. thru 9/78	110.10–1; 111.55–5.
UL 62, Flexible Cord and Fixture Wire, 1978, with revs. thru 1978	110.10–1; 111.60–5.
UL 698, Industrial Control Equipment for use in Hazardous Locations, 1973, with revs. thru 1978.	110.10–1; 111.70–20; 111.80–5.
UL 363, Knife Switches, 1976	110.10–1; 111.55–5.
UL 595, Marine Type Electrical Light Fixtures, 1974, with revs. thru 1977.	110.10–1; 111.75–20.
UL 514, Outlet Boxes, 1974, with revs thru 1978	110.10–1; 111.75–35.
UL 67, Panel Boards, 1974, with revs thru 1978	110.10–1; 111.40–1.
UL 153, Portable Electric Lamps, 1978	110.10–1.
UL 20, Snap Switches, 1974, with revs thru 1976	110.10–1; 1211.55–5.
UL 486 A, Wire Connectors and Soldering Lugs, 1978	110–10–1; 111.60–25; 111.60–40.

46 CFR Subchapter D—United States Coast Guard, Department of Transportation

	CFR Citation
American Bureau of Shipping (ABS)	
65 Broadway, New York, N.Y. 10006	
Rules for Building and Classing Steel Barges for Offshore Service, 1973.	151.10–20; 151.15–3; 151.50–20; 151.50–42.

Extension granted to Nov. 1, 1980.	
Rules for Building and Classing Steel Vessels for Service on Rivers and Intracoastal Waterways, 1971.	151.10–20; 151.15–3; 151.50–20; 151.50–42.
Extension granted to Nov. 1, 1980.	
Rules for Building and Classing Steel Vessels, 1980	Part 154.
American National Standards Institute (ANSI)	
1430 Broadway, New York, N.Y. 10018	
Extensions granted to Nov. 1, 1980 for all the following ANSI standards.	
B16.5, Steel Pipe Flanges and Pipe Fittings, 1977	151.50–35; 153.940.
B16.11, Steel S. W. and Threaded Fittings, 1973	151.50–10.
B16.25, Butt-welded Ends-Pipe, Valves, Flanges, and Fittings, 1979	151.50–10.
B16.31, Non Ferrous Pipe Flanges, 1971	153.940.
B31.1, Power Piping, 1977, with 1979 Addendum	151.20–1; 151.50–10.
Z87.1, Practice for Occupational and Educational Eye and Face Protection, 1979.	154.1400.
Z89.1, Safety Requirements for Industrial Head Protection, 1969	154.1400.
American Society of Mechanical Engineers (ASME)	
United Engineering Center, 345 East 47th St., New York, N.Y. 10017	
Boiler and Pressure Vessel Code, Section VIII Pressure Vessels, 1979 with addenda thru Summer 1980.	151.03–37.
Extension granted to Nov. 1, 1980.	
American Society for Testing and Materials (ASTM)	
1916 Race St., Philadelphia, Pa. 19103	
A–20, Steel Plates for Pressure Vessels, 1978	154.610.
E–84, Surface Burning Characteristics of Building Materials, Test for, 1979.	151.15–3.
Inter-Governmental Maritime Consultative Organization (IMCO)	
Imco Sales, New York Nautical Instrument and Service Corp., 140 West Broadway, New York, N.Y. 10013	
Res. A212(VII), Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, 1977, with 8 amdmts.	153.2.
Res. A328(XI), Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1975.	154.3.
International Convention on Safety of Life at Sea, 1974	154.1802.
Medical First Aid Guide for Use in Accidents Involving Dangerous Goods.	153.930; 154.1435; 154.1440.
Underwriters Laboratories (UL)	
333 Pfingsten Rd., Northbrook, Ill. 60062	
783, Flashlights and Lanterns, Electric, for Use in Hazardous Locations, Class 1, Div. 1, 1979.	154.1400.
Extension granted to Nov. 1, 1980.	

46 CFR SUBCHAPTER Q—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

	CFR Citation
American Society for Mechanical Engineers (ASME)	
United Engineering Center; 345 East 47th Street, New York, N.Y. 10017	
Boiler and Pressure Vessel Code, Section I:	
par. HG–402, Discharge capacities of Safety and Safety Relief Valves, 1979.	162.012–1; 162.0–13–1.
par. PG–67 to 72, Design and Construction, and Tests, 1977–79	162.001–1.
par. PG–69 Testing, 1977	162.001–1.
par. PG71, Mounting, 1977	162.001–1.
par. PG–110, Stamping of Safety Valves, 1977	162.001–1.
par. UG–131, Certification of Capacity for Pressure Relief Valves, 1977.	162.018–1.
American Society for Testing and Materials (ASTM)	
1916 Race Street; Philadelphia, Pa. 19103	
A27, Specification for Mild to Medium Strength Carbon Steel Castings for General Application, 1977.	160.032–1.
A36, Specification for Structural Steel, 1977a	160.035–1
A216, Specification for Carbon-Steel Castings Suitable for Fusion Welding for High Temperature Service, 1977.	160.032–1.

A525, Steel Sheet, Zinc-coated (Galvanized) by the Hot Dip Process, General Requirements, 1978.	160.035–1.
B61, Specification for Steam or Valve Bronze Castings, 1976	162.014–1.
Extension granted to Nov. 1, 1980.	
B117, Method of Salt Spray (fog) Testing, 1973	161.002–1; 161.004–1; 161.006–1.
D413, Rubber Property—Adhesion to Flexible Substrate, 1976	160.055–1.
D570, Water Absorption of Plastics, 1977	160.055–1.
D882, Tensile Properties of Thin Plastic Sheeting, 1975	160.055–1.
D1004, Initial Tear Resistance of Plastic Film and Sheeting, 1966	160.055–1.
D1571, Specification for Woven Asbestos Cloth: Aug. 1973, 1977	164.009–3.
D3574, Flexible Cellular Materials—Slab, Bonded, and Molded Urethane Foam, 1977.	164.031–1.
E84, Tentative Method of Fire Hazard Classification for Building Materials (Now "Surface Burning Characteristics of Building Materials"), 1977a.	164.012–1.
E119, Fire Testing of Building Construction and Materials, 1979	164.007–1; 164.008–1.
Coast Guard	
G–MMT/12; 2100 Second St. SW, Washington, D.C. 20593	
DWG No. F–49–6–1, Life Preserver, Kapok, Adult	160.002–1.
DWG No. F–49–6–5, Life Preserver, Kapok, Child	160.002–1.
DWG No. 160.005–1, Life Preserver, Fibrous Glass Adult and Child (Jacket Type).	160.005–1.
Extension granted to Nov. 1, 1980.	
DWG No. 160.009, Cork and Balsa wood ring Life Buoy; Arrangement and construction details.	160.009–1.
DWG No. 160.013–1, Hatchet (Lifeboat and Life Raft)	160.013–1.
DWG No. 160.017–1(b), Ladders, Embarkation-Debarkation	160.017–1.
DWG No. 160.027–4, Rectangular Balsa Wood Life Float with Platform, Net and Rigging.	160.027–1.
DWG No. 160.043–1(b), Jackknife (with Can Opener)	160.043–1.
DWG No. 160.047–1, Buoyant Vest, Kapok or Fibrous Glass, Adult and Child.	160.047–1.
DWG No. 160.048–1, Buoyant Cushion, Fibrous Glass	160.048–1.
DWG No. 160.049–1, Buoyant Cushion Plastic Foam	160.049–1.
DWG No. 160.052–1, Buoyant Vest, Unicellular Plastic Foam, Adult and Child.	160.052–1.
DWG No. 160–055–1A, Life Preservers, Unicellular Plastic Form, Adult.	160.055–1.
DWG No. 160.055–1B, Life Preservers Unicellular Foam, Child	160.055–1.
SWG No. 160.060–1, Buoyant Vest, Unicellular Polyethylene Foam, Adult and Child.	160.060–1.
DWG No. 164.013–1, Pattern, Trigonal Slit, for Polyethylene Foam Slab Material.	164.013–1.
Compressed Gas Association (CGA)	
500 Fifth Avenue, New York, N.Y. 10036	
S–1.2.5.2, Flow Tests of Safety Relief Valves (Pamphlet 1.2, Para. 5.2), 1966.	162.018–1.
Extension granted to Nov. 1, 1980.	
Federal Specifications	
Naval Publications Forms Center, Customer Service, Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
Extensions granted to Nov. 1, 1980 for the following Federal Specifications:	
C–C–91, Candle, Illuminating, D	164.015–1.
CCC–C–426D, Cloth, Cotton Drill, D	160.048–1; 160.049–1; 160.055–1.
CCC–C–443E, Cloth, Cotton, Duck, Plied Filling Yarns, Flat, E	160.009–1.
CCC–C–700G, Cloth, Coated, Vinyl, (Artificial leather), G	160.048–1; 160.049–1; 160.055–1.
GG–K–391, Kits (Empty), First Aid, Burn Treatment and Snakebite; and Kit Contents, A, amd.4 4.	160.041–1.
GGG–A–926, Axes, C amd.2	160.013–1.
HH–M–351, Millboard, Asbestos; dated Nov. 18, 1968 as amended Apr. 27, 1972, E.	164.009–3.
L–P–375, Plastic Film, Flexible, C, amd. 3	160.002–1.

L-P-375C, Plastic Film, Flexible	160.005-1; 160.047-1; 160.048-1.
L-P-390, Plastic Molding and Extrusion and Copolymers Material, Polyethylene, C, amd.3.	161.010-1.
L-P-393, Plastic Molding Material Polycarbonate, Injection and Extrusion, A, amd.2.	161.010-1.
L-P-406, Plastics, Organic; General Specification (Test Methods), B, amd.1 1.	161.001-1.
QQ-B-611, Brass, Commercial; Bars, Plates, Rods Shapes, Sheets and Strip, A, amd.4.	161.006-1.
QQ-I-706, Iron and Steel; Sheet, Tinned (Tinplate), A, amd.1	160.061-1.
QQ-W-423, Wire, Steel, Corrosion-resisting, B	160.061-1.
RR-C-271, Chain and Attachments, Welded, Weldless, and Roller Chain, B.	160.017-1.
T-R-505, Rope, Manila and Sisal, B, amd.3	160.017-1; 160.031-1.
T-R-605B, Rope, Manila and Sisal, Int. amd.F	160.009-1.
TT-E-489, Enamel, Alkyd, Glass	161.001-1; 161.010-1.
TT-P-59, Paint, Ready-mixed, International Orange, E, amd.1	160.035-1.
TT-W-572, Wood Preservative, Water-repellant, B, amd.1	160.017-1.
V-T-276, Thread, Cotton, H	160.010-1.
V-T-276H, Thread, Cotton, H	160.001-1; 160.009-1.
V-T-285D, Thread, Polyester, D	160.001-1; 160.009-1.
V-T-295D, Thread, Nylon, D	160.001-1; 160.009-1; 160.050-1.
VV-G-671, Grease; Lubricating, Graphite, E	161.001-1.
W-B-101, Batteries and Cells; Dry, F, amd.5	161.008-1; 161.010-1.
WW-C-621, Couplings; Hose, cotton (rubber-lined) and lined (unlined) E, amd.1.	162.027-1.
Federal Standards and Test Method Standards	
Naval Publications Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
Extensions granted to Nov. 1, 1980 for all the following Federal Standards and Test Method Standards.	
No. 151, Metals, Test Methods, B	160.062-1.
No. 191, Textiles, Test Methods, A	160.002-1; 160.005-1; 160.009-1; 160.047-1; 160.052-1; 160.055-1; 160.060-1.
No. 406, Plastics, Method of Testing	160.035-1; 161.010-1.
No. 595, Colors, A	160.050-1; 160.009-1; 160.055-1.
No. 601, Rubber, Sampling and Testing	164.013-1.
No. 751, Stitches, Seams, and Stitching, A, amd.1	160.048-1; 160.049-1.
No. 751A, Stitches, Seams, and Stitching	160.002-1; 160.005-1; 160.009-1; 160.047-1; 160.052-1; 160.055-1; 160.060-1.
Military Specifications	
Naval Publications Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.	
Extensions granted to Nov. 1, 1980 for all the following Military Specifications.	
MIL-B-18, Batteries, Dry, D, amd.2	161.001-1; 161.010-1.
MIL-B-2766, Batt, Fibrous Glass, Lifesaving Equipment, B, amd.1	160.047-1; 160.048-1.
MIL-B-2766B, Batt, Fibrous Glass, Lifesaving Equipment, B	160.005-1; 160.048-1.
MIL-B-16444, Bronze, Hydraulic (ounce metal): Castings, A	162.027-1.
MIL-C-43006, Cloth Laminated, Vinyl-Nylon High Strength, Flexible, E.	160.049-1.
MIL-C-43006D, Cloth Laminated, Vinyl-Nylon High Strength, Flexible, D.	160.055-1.
MIL-C-83125, Cartridge for Cartridge Actuated/propellant Actuated Devices, General Design Specification for.	160.040-1.
MIL-D-3716, Dessicants (Activated) for Dynamic Dehumidification, A, amd.2.	161.001-1.
MIL-D-5531D, Desalter Kit, Sea water Mark Q, E	160.058-1.

MIL–E–15090, Enamel, equipment, Light Gray (Formula No. 111), B, amd.2.	160.026–1.
MIL–F–859, Fuel Oil, Boiler, E, amd.2	164.015–1; 164.016–1.
MIL–I–16923, Insulating Compound, Eletrical Embedding, G, amd.1	161.010–1.
MIL–L–1204, Lamp, Safety, Flame, B	160.016–1.
MIL–L–2648, Light, Marker, Distress, Floating Automatic Nonmagnetic, D, amd.2.	161.001–1.
MIL–L–7178, Lacquer, Cellulose nitrate, glass for aircraft use, A, amd.1.	160.026–1.
MIL–L–17653A, Life Preserver, Vest, Work Type, Unicellular Plastic, B, amd.3.	160.053–1.
MIL–L–19496 (ships), Lifeboat, CO[o] 1 Inflatable Mark 5, 15-person Capacity, D, amd.1.	160.051–1.
MIL–L–45505, Line-throwing Appliance, Type I, A	160.040–1.
MIL–M–15617, Mats, Fibrous Glass for Reinforcing Plastics, A, amd.1	160.035–1.
MIL–P–79, Plastic materials, Laminated Thermosetting Rods and Tubes, C, amd.2.	161.001–1; 161.010–1.
MIL–P–17549, Plastic Laminates, Fibrous Glass Reinforced, Marine Structural, C, amd.2.	160.035–1.
MIL–P–18066, Plywood, Ship and Boat Construction, B	160.035–1.
MIL–P–19644, Plastic Foam, Molded Polystyrene (Expaned Bend Type), C.	160.035–1.
MIL–P–21929, Plastic Materials, Cellular Polyurethane, Rigid, Foam-in-Place, Low Density, B, amd.1.	160.035–1.
MIL–P–40619, Plastic Material Cellular, A	160.035–1; 164.013–1.
MIL–R–900, Rubber Gasket Material, 45 Durometer Hardness, F	161.001–1.
MIL–R–2765, Rubber materials, Synthetic, Oil Resistant (Sheet, Strip and Molded Shapes), C.	161.001–1.
MIL–R–7575, Resin, Polyester, Low Pressure Laminating, C, amd.2	160.035–1.
MIL–R–16847, Ring Buoy, Lifesaving: Unicellular Plastic, E, amd.2	160.050–1.
MIL–R–23139, Rocket Motors, Solid Propellant, Development Requirements for, B.	160.040–1.
MIL–S–18655, Signal, Distress, Day and Night Mark 13, Mod. O, C	160.023–1.
MIL–W–530, Webbing, Textile, Cotton, Purpose, Natural or in Colors, F, amd.2.	
Navy Department Plans	
Naval Publications Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
Extensions granted to Nov. 1, 1980 for all the following Navy Department Plans.	
BuShips DWG No. S–8200–860050, Balsa Wood Life Float, Solid Rectangular, Platform, Net and Rigging (25 person capacity), H.	160.027–1.
BuShips DWG No. S–8200–860051, Balsa Wood Life Float, Solid Rectangular, Platform, Net and Rigging (10-, 15-, 40-, and 60-person capacity), G.	160.027–1.
National Fire Protection Association (NFPA)	
470 Atlantic Avenue, Boston, Mass. 02210	
No. 255, Method of Test of Surface Burning Characteristics of Building Materials, 1972.	164.012–1.
Underwriters Laboratories (UL)	
333, Pfingsten Road, Northbrook, Ill. 60062	
UL 62, Flexible Cord and Fixture Wire, 1978	161.006–1.
UL 1988, Fuses (Class H Fuses), 1975	161.004–1.

46 CFR SUBCHAPTER R—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

	CFR Citation
American Bureau of Shipping (ABS)	
65 Broadway, New York, N.Y. 10006	
Rules for Building and Classing Steel Vessels, 1980	167.15–2; 167.20–1.
Institute of Electrical and Electronic Engineers (IEEE) (Formerly American Institute of Electrical Engineers)	
345 East 47th St., New York, N.Y. 10017	
45, Recommended Practice for Electrical Installations on Shipboard, 1977.	167.40–1
Extension granted to Nov. 1, 1980.	

Federal Specification
Naval Publications and Forms Center, Customer Service, Code 1052, 5801 Tabor Ave., Philadelphia, Pa. 19120

ZZ–H–451, Hose, Fire, Woven-Jacketed Rubber or Cambric–Lined, with Couplings, E. — 167.45–5.
Extension granted to Nov. 1, 1980.

National Fire Protection Association (NFPA)
470 Atlantic Ave., Boston, Mass. 02210

306, Control of Gas Hazards on Vessels to be Repaired, 1980 — 167.30–1.

Underwriters Laboratories (UL)
333 Pfingsten Rd., Northbrook, Ill. 60062

UL–19 Woven-Jacketed, Rubber Lined Fire Hose, 1978 — 167.45–5.
Extension granted to Nov. 1, 1980.

46 CFR SUBCHAPTER T—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

CFR Citation

American Boat and Yacht Council (ABYC)
15 East 26th St., New York, N.Y. 10010

P–1 Recommended Practices and Standards Covering Safe Installation of Exhaust Systems for Propulsion and Auxiliary Machinery, 1971. — 182.15–15; 182.15–20.
Extension granted to Nov. 1, 1980.

Institute of Electrical and Electronic Engineers (IEEE) (Formerly American Institute of Electrical Engineers)
345 East 47th St. New York, N.Y. 10017

45, Recommended Practice for Electrical Installations on Shipboard, 1977. — 183.01–15; 183.05–45; 183.10–20.
Extension granted to Nov. 1, 1980.

American Society for Testing and Materials (ASTM)
1916 Race St., Philadelphia, Pa. 19103

B97 Copper–Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes,1980. — 182.15–25.

B122, Copper–Nickel-Tin Alloy, Copper-Nickel Zinc Alloy (Nickel Silver)and Copper-Nickel Alloy Plate Strip and Rolled Bar, 1980. — 182.15–25.

B127, Nickel–Copper Alloy (UNS NO4400) Plate, Sheet and Strip, 1974 .. — 182.15–25; 182.20–25.

B152, Copper, Sheet, Strip, Plate and Rolled Bar, 1979 — 182.15–25.

B209, Aluminum Alloy Sheet and Plate, 1978 — 182.15–25; 182.20–25.

D93, Test for Flash Point by Pennsky-Martens Closed Tester — 182.15–1; 182.20–1.
Extension granted to Nov. 1, 1980.

D–323, Test for Vapor Pressure of Petroleum Products (Reid Method), 1972. — 188.10–21.

Federal Specification
Naval Publications and Forms Center, Customer Service, Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120

ZZ–H–45, Hose, Fire, Woven-Jacketed Rubber or Cambric-Lined, with Couplings, E. — 181.15–10.
Extension granted to Nov. 1, 1980.

National Fire Protection Association (NFPA)
470 Atlantic Ave. Boston Mass. 02210

70, National Electrical Code, 1979 — 183.01–10; 183.05–45; 183.05–50–; 183.10–20.

Navships 250
Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120

Cable Comparison Guide, 1975 — 183.10–20.
Extension granted to Nov. 1, 1980.

Underwriters Laboratories (UL)
333 Pfington Rd., Northbrook, Ill. 60062

UL–197, Commercial Electric Cooking Appliance, 1978, incl all revisions thru 1979. — 183.01–15; 183.10–45.

UL–595, Marine Type Electric Lighting Fixtures, 1974, all revisions thru 1977. — 183.01–15; 183.10–20.

Extension granted to Nov. 1, 1980.
UL-1102, Tanks, Non Integral, Marine Fuel, 1980 ..... 182.15-25.

46 CFR SUBCHAPTER U—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

CFR Citation

American Bureau of Shipping
65 Broadway, New York, N.Y. 10006
Rules for Building and Classing Steel Vessels, 1980 ..... 188.3; 189.1; 190.0; 195.0.

Coast Guard
G-MMT//12; 2100 2nd St. S.W., Washington, D.C. 20593
160.014, "Compass and mounting, dated December 14, 1944" (Specification for Compasses, Magnetic, Liquid-filled, Mariners, Compensating for Life boats (with mounting) for Merchant Vessels.), 1944. 192.20-15.

Federal Specification
Naval Publications and Forms Center; Customer Service, Code 1052, 5801 Tabor Ave., Philadelphia, Pa. 19120
ZZ-H-451, Hose, Fire, Woven-Jacketed Rubber or Cambric-Lined, with Couplings, E. 193.10-10
Extension granted to Nov. 1, 1980

Military Specifications
Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120
MIL-V-17501, (Valve, Control, Automatic Sprinkler System) ..... 194.10-30.
Extension granted to Nov. 1, 1980.

National Fire Protection Association (NFPA)
470 Atlantic Ave., Boston, Mass. 02210
306, Control of Gas Hazards on Vessels to Repair, 1975 ..... 189.50-1.

Underwriters Laboratories (UL)
333 Pfingsten Rd., Northbrook, Ill. 60002
UL 19, Woven Jacketed, Rubber Lined Fire Hose, 1978 ..... 193.10-10.
Extension granted to Nov. 1, 1980.

47 CFR CHAPTER I (PARTS 0-199)—FEDERAL COMMUNICATIONS COMMISSION

National Association of Regulatory Utility Commissioners

CFR Citation

1102 Interstate Commerce Commission Building, Constitution Avenue and 12th Street NW, Washington, D.C. 20005
Separations Manual (Standard Procedures for Separating Telephone Property Costs, Revenues, Expenses, Taxes and Reserves), February, 1971. 67.1.
In addition to the publisher, the NARUC Separations Manual is available for inspection at the following places:
Office of the Common Carrier Bureau, Federal Communications Commission, 1919 M Street NW, Washington, D.C. 20554
Field Office of the Common Carrier Bureau, Room 1309X, 90 Church Street, New York, N.Y.

49 CFR SUBTITLE A (PARTS 1-99)—OFFICE OF THE SECRETARY OF TRANSPORTATION

CFR Citation

American National Standards Institute (ANSI)
1430 Broadway, New York, N.Y. 10018
ANSI A117.1 1961 (R1971), American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped. 27.5; 27.67.

Interagency Land Acquisition Conference
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
Uniform Appraisal Standards for Federal Land Acquisition (1972 Edition), Stock No. 5259-0002.. 25.260.

49 CFR CHAPTER I (PARTS 100–199)—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Note.—For 1980 only, the revision date for Chapter I of Title 49 of the Code of Federal Regulations is December 1, 1980. also, the Office of the Federal Register extends the review of the incorporations by reference for which the agency requests reapproval until December 1, 1980.

49 CFR CHAPTER II (PARTS 200–299)—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

	CFR Citation
American National Standards Institute, Inc.	
15th and New York Avenue NW. Washington, D.C. 20005	
ANSI S1.13–1971, Method for Measurement of Sound Pressure Levels....	210.29(b)(2).
American Society for Testing and Materials	
Federal Railroad Administration, Office of the Associate Administrator, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590	
ASTM C90–70, Standard Specification for Hollow Load-Bearing Concrete Masonry Units.	Part 223, Appendix A.
ASTM C331–77, Standard Specification for Lightweight Aggregates for Concrete Masonry Units..	Part 223, Appendix A.
American Society of Mechanical Engineers	
United Engineering Center, 345 East 47th Street, New York, New York 10017	
ASME Boiler and Pressure Vessel Code (1971 Edition), Section II, Part B, page 123.	229.51(a)(1).
ASME Boiler and Pressure Vessel Code (1971 Edition), Section VIII, Division I.	229.51(a)(2).
Association of American Railroads	
1920 L Street NW., Washington, D.C. 20036	
AAR Code of Rules for cars in interchange, 1979.....	232.17(b).
AAR Code of Tests, Instruction Pamphlet No. 5039–4, Sup. 1, Single Car Testing Device, 1974.	232.17(a).
AAR Railway Signaling Principles and Practices, Ch. 2: Symbols, Aspects and Indications, 1956.	235.12(b).
Illuminating Engineering Society	
Federal Railroad Administration, Office of the Associate Administrator, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590	
IES Guide for Calculating the Effective Intensity of Flashing Signal Lights, November, 1964.	221.5(h).
Interagency Land Acquisition Conference	
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402	
Uniform Appraisal Standards for Federal Land Acquisition (1972 edition), Stock No. 5259–0002.	266.17(g)(1).

49 CFR CHAPTER V—NATIONAL TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

	CFR Citation
American Association of Textile Chemists and Colorists (AATCC)	
Post Office Box 886, Durham, N.C.	
AATCC Chart for Measuring Transference of Color.....	571.209.
Standard Test Method 8–1961 Colorfast to Crocking.....	571.209.
Standard Test Method 30–1957T Fungicides, Evaluation of Textiles.....	571.209.
Standard Test Method 107–1962 Colorfastness to Water.....	571.209.
Geometric Gray Scale.....	571.209.
American National Standards Institute (ANSI)	
1430 Broadway, New York, N.YZ. 10018	
Z26.1, as suppl. Z26.la—1969 (ANSI A26) Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways.	571.205.
American Society for Testing and Materials (ASTM)	
1916 Race Street, Philadelphia, Pa. 19103	

ASTM 1003–1961 Haze and Luminous Transmittance of Transparent Plastic.	571.209.
ASTM A166–1961T Tentative Specifications for Electrodeposited Coatings of Nickel and Chromium on Steel.	571.208; .209.
ASTM A370–1972 Standard Methods and Definitions for Mechanical Testing of Steel Products.	571.221.
ASTM B117–1964 Standard Method of Salt Spray (fog) Testing	571.106; .125; .209.
ASTM D445–1965 Standard Method of Test for Viscosity of Transparent and Opaque Liquids (Kinematic and Dynamic Viscosity).	571.116.
ASTM D471–1964 Tentative Method of Test for Change in Properties of Elastomeric Volcanizates Resulting from Immersion in Liquids.	571.106.
ASTM D484–1971 Standard Specifications for Hydrocarbon Dry Cleaning Solvent.	571.301.
ASTM D523–1962T Tentative Method of Test for Specular Glass	571.107.
ASTM D756–1956 Standard Methods of Test for Resistance of Plastics to Accelerated Service Conditions.	571.209.
ASTM D1056–1973 Standard Specifications for flexible Cellular Materials Sponge or Expanded Rubber.	571.213.
ASTM D1121–1967 Standard Method of Test for Reserve Alkalinity of Engine Antifreezes and Antirusts.	571.116.
ASTM D1123–1959 Standard Method of Test for Water in Concentrated Engine Anti-Freezes by the Iodine Reagent Method.	571.116.
ASTM D1193–1970 Standard Specifications for Reagent Water	571.116.
ASTM D1415–1968 Tentative Method of Test for International Hardness of Volcanized Natural and Synthetic Rubbers.	571.116.
ASTM D1564–1971 Standard Method of Testing Flexible Cellular Materials—Slab Urethane Foam.	571.213.
ASTM D1565–1976 Standard Specifications for Flexible Cellular Materials—Vinyl Chloride Polymers and Copolymers (Open-Cell Foam).	571.213.
ASTM D2515–1966 Standard Specifications for Kinematic Glass Viscosity.	571.116.
ASTM E1–1968 Standard Specifications for ASTM Thermometers	571.116.
ASTM E4–1964 Methods of Verification of Testing Machines	571.209; .106.
ASTM E4–1972 Methods of Verification of Testing Machines	571.221.
ASTM E8–1969E Tension Testing of Metallic Materials	571.221.
ASTM E42–1964 Recommended Practice for Operating Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Artificial Weathering Test.	571.209.
ASTM E77–1966 Standard Method for Inspection, Test and Standardization of Liquid-in-Glass Thermometers.	571.116.
ASTM E274–1965T Skid Resistance of Pavements Using a Two Wheel Trailer.	571.301; .208.
ASTM E274–1970 Skid Resistance of Paved Surfaces Using a Full Scale Tire.	575.104(f)(iii); .105; .116.
ASTM E298–1968 Standard Methods for Assay of Organic Peroxides	571.116.
ASTM E501 Standard Tire for Pavement Skid Resistance Tests	575.104(f)(1)(ii); (vii).
General Services Administration	
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402	
Federal Specification L–S–300 1965, Sheeting and Tape Reflective: Nonexposed Lens, Adhesive Backing.	571.108.
Military Specifications	
Naval Publication and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120	
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National Health Survey Data	
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402	
5th percentile female: Public Health Service Publication No. 1000, Series 11, No. 8, "Weight, Height, and Selected Body Dimensions of Adults".	571.3.
National Highway Traffic Safety Administration (NHTSA)	
Material may be obtained by writing: Keuffle and Esser Company, 15121 North Danville Street, Arlington, Va. 22201	
SA 150 M010 Head Assembly, 1973	572.5; .6; .11.
SA 150 M020 Neck Assembly, 1973	572.5; .7.

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Society of Automotive Engineers (SAE) 400 Commonwealth Drive, Warrendale, Pa. 15096	
SAE J211–1970 Instrumentation of Barrier Collision Tests	571.218.
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SAE J527–1967 Brazed Double Wall Low Carbon Steel Tubing	571.116.
SAE J564a–1964 Headlamp Beam Switching	571.108.
SAE J565b–1969 Semi-Automatic Headlamp Beam Switching Devices	571.108.
SAE J566–1960 Headlamp Mountings	571.108.
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SAE J571d–1976 Dimensional Specification for Sealed Beam Headlamp Units.	571.108.
SAE J573d–1968 Lamp Bulbs and Sealed Units	571.108.
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SAE J575e–1970 Test for Motor Vehicle Lighting Devices and Components.	571.108.
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SAE J576c–1970 Plastic Materials for Use in Optical Parts, such as Lenses and Reflectors, of Motor Vehicle Lighting Devices.	571.108.
SAE J578–1965 Color Specifications for Electric Signal Lighting Devices.	571.108.
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SAE J599b–1970 Lighting Inspection Code	581.5(c).
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SAE J602a–1970 Headlamp Aiming Device for Mechanically Aimable Sealed Beam Headlamp Units.	581.5c.
SAE J673a–1967 Automotive Glazing	571.205.
SAE J726a–1962 Recommended Practice, Air Cleaner Test Code	571.209.
SAE J787(b)–1966 Motor Vehicle Seat Belt Anchorage	571.3.
SAE J800b–1965 Recommended Practice, Motor Vehicle Seat Belt Installations.	571.209.
SAE J826–1962 Manikins for Use in Defining Vehicle Seating Accommodations.	571.210; .213; .213; .3.
SAE J839b–1965 Passenger Car Side Door Latch System	571.201; 206.
SAE J843a–1966 Brake system Road Test Code-Passenger	575.101(e)(2).

SAE J885a–1966 Human Tolerance to Impact Conditions as Related to Motor Vehicle Design.	571.208.
SAE J887–1964 School Bus Red Signal Lamps	571.108.
SAE J902–1964 Recommended Practice, Passenger Car Windshield Defrosting Systems.	571.103.
SAE J902a–1967 Passenger Car Windshield Defrosting Systems	571.104; .103.
SAE J903a–1966 Passenger Car Windshield Wiper Systems	571.104.
SAE J910b–1971 Hazard Warning Signal Switch	571.108.
SAE J921–1965 Recommended Practice, Instrument Panel Laboratory Impact Test Procedure.	571.201.
SAE J934–1965 Recommended Practice Vehicle Passenger Door Hinge Systems.	571.206.
SAE J941–1965 Passenger Car Driver's Eye Range	571.104; .107.
SAE J942–1965 Passenger Car Windshield Washer System	571.104.
SAE J944–1965 Steering Wheel Assembly Laboratory Test Procedure.	571.203.
SAE J945b–1966 Vehicle Hazard Warning Signal Flashers	571.108.
SAE J964a–1974 Test Procedure for Determining Reflectivity of Rear View Mirrors.	571.111
SAE J972–1966 Moving Barrier Collision Tests	571.105.
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SAE J1100a Motor Vehicle Dimensions	571.3.
SAE J1132–1976 Sealed Beam Headlamp Units	571.108.
SAE J1703b Motor Vehicle Brake Fluid	571.116.
SAE Aerospace-Automotive Drawing Standards–1963 Ground Vehicle Practice.	571.202.

49 CFR CHAPTER X (PARTS 1000–1399)—INTERSTATE COMMERCE COMMISSION

	CFR Citation
American National Standards Institute, Inc.	
1430 Broadway (attn: sales), New York, N.Y. 10018	
ANSI A117.1–1961 (Revised 1971), Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped.	1063.8(e).
Publication also available from the Interstate Commerce Commission, Office of the Secretary, Washington, D.C. 20423.	

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federal register

Tuesday
September 30, 1980

Part IV

National Aeronautics and Space Administration

Privacy Act of 1974; Annual Publication of Systems of Records

National Aeronautics and Space Administration

[Notice 80-62]

Privacy Act of 1974; Annual Publication of Systems of Records

In accordance with 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93-579), the National Aeronautics and Space Administration hereby publishes the systems of records currently maintained by the agency.

E. C. Kilgore,

Associate Administrator for Management Operations.

September 23, 1980.

BILLING CODE 7510-01-M

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NASA 10HABC - History Archives Biographical Collection - NASA
NASA 10HERD - Human Experimental and Research Data Records - NASA
NASA 10IGIC - Inspector General Investigations Case Files - NASA
NASA 10PAYS - Payroll Systems - NASA
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NASA 10SPER - Special Personnel Records - NASA
NASA 10XROI - Exchange Records on Individuals - NASA
NASA 22ORER - LeRC Occupational Radiation Exposure Records - NASA
NASA 51RSCR - GSFC Radiation Safety Committee Records - NASA
NASA 53BHTR - Wallops Flight Center Base Housing Tenant Records - NASA
NASA 62FHAP - MSFC Federal Housing Administration (FHA) 809 Housing Program - NASA
NASA 72XOPR - JSC Exchange Activities Records - NASA
NASA 73FHAP - WSTF Federal Housing Administration (FHA) 809 Housing Program - NASA
NASA 76RTES - KSC Radiation Training and Experience Summary - NASA
NASA 76STCS - KSC Shuttle Training Certification System (YC 04)
NASA 76XRAD - KSC USNRC Occupational External Radiation Exposure History for Nuclear Regulatory Commission Licenses - NASA

NASA 10ACMQ

System name: Aircraft Crewmembers Qualifications and Performance Records - NASA

System location: Locations 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Crewmembers of NASA aircraft.

Categories of records in the system: System contains: (1) record of qualification, experience, and currency, e.g., flight hours (day, night, and instrument), types of approaches and landings, crew position, type aircraft, flight check ratings and related examination results, training performed and medical records; (2) flight itineraries and passenger manifests; and (3) biographical information.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for; evaluation of crewmember performance by supervisory flight operations personnel and staff; by the individuals whose records are maintained; on occasion by flight operations and safety survey teams; and by the NASA Aircraft Office. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) In cases of accident investigations, access to this system of records may be granted to federal or local agencies such as Department of Defense, Federal Aviation Administration, National Transportation Safety Board, or foreign governments; (2) To other agencies, companies, or governments requesting qualifications of crewmembers prior to authorization to participate in their flight programs; or to other agencies, companies, or governments whose crewmembers may participate in NASA's flight programs; (3) With prior approval by the individual - publicity or press releases; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, charts, punched cards, computer printouts.

Retrievability: Records are indexed by name or aircraft number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Chief, NASA Aircraft Office, Location 1.

Subsystem Managers: Chief, Aircraft Operations Division, Location 2; Director, Flight Operations, Location 3; Chief, Aircraft Operations Division, Location 5; Chief, Aircraft Operations Section, Location 6; Chief, Operations Branch, Flight Research Division, Location 7; Chief, Aircraft Operations Branch, Location 8; Chief, Aircraft Operations, Location 9; Chief Contract Management, Location 10; Data Acquisition Manager, Earth Resources Laboratory, Location 11; Chief, Aeronautical Programs Branch, Location 12 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individuals, training schools or instructors, medical units or doctors.

NASA 10BRPA

System name: Biographical Records for Public Affairs - NASA

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Principal and prominent management and staff officials, program and project managers, scientists, engineers, speakers, other selected employees involved in newsworthy activities, and other participants in agency program.

Categories of records in the system: Current biographical information about the individual with a recent photograph when available. Data items are those generally required by NASA or the news media in preparing news or feature stories about the individual and/or his activity with NASA.

Authority for maintenance of the system: 42 U.S.C 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is compiled, updated, and maintained at NASA installations for ready reference material and for immediate availability when required by the news media for news stories about the individual generally involving his participation in a major NASA activity.

The data serves as background information about the individual and is used within NASA to prepare public appearance announcements of key officials, speaking engagements, special appointments, participation in professional societies, etc.; to write news stories about special achievements, awards, participation in major NASA activities, programs, etc.; and to prepare responses to inquiries submitted to the Office of Public Affairs from the news media.

Users are the staff members of the public information office within each office of Public Affairs.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: these records are made available to professional societies, civic clubs, industrial and other organizations, news media representatives, researchers, authors, Congress, other agencies and other members of the public in connection with NASA public affairs activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Since the records are a matter of public information, no safeguard requirements are necessary.

Retention and disposal: Records are maintained as long as there is potential public interest in them and are disposed of when no longer required.

System manager(s) and address: Head, Public Information Section, Location 1.

Subsystem Managers: The Public Affairs Officer at Locations 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Notification procedure: An individual desiring to find out if a Biographical System of Records contains a record pertaining to him

should call, write, or visit the Office of Public Affairs at the appropriate NASA location.

Record access procedures: An individual may request access to his record by calling, writing, or visiting the Office of Public Affairs at the appropriate NASA locations. Individuals may examine or obtain a copy of their biographical record at any time.

Contesting record procedures: The information in the record was provided voluntarily by the individual with the understanding that the information will be used for public release. The individual is at liberty at any time to revise, update, add, or delete information in his biographical record to his own satifaction.

Record source categories: Information in the biography of an individual in the system of records is provided volutarily by the individual generally with the aid of a form questionnaire.

NASA 10EEOR

System name: Equal Opportunity Records - NASA

System location: Locations 1 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Complainants and applicants.

Categories of records in the system: (1) Complaints and (2) applications..

Authority for maintenance of the system: 42 U. S. C. 2473; 44 U. S. C. 3101; Executive Order 11478, dated August 8, 1969; EEOC Regulations; 29 C.F.R Part 1613; MSPB Regulations; 5 C.F.R. Parts 1200 - 1202; Equal Opportunity Act 1972, as amended (P.L. 92-261); Section 15 of the Age Discrimination in Employment Act of 1967, as amended (P.L. 93-259).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to process complaints of alleged discrimination, including investigations, hearings, and appeals; to maintain active discrimination complaints files; to retain inactive discrimination complaints files; to analyze Headquarters workforce; to track the status of the Equal Opportunity programs; to provide Equal Employment Opportunity Commission and Merit Systems Protection Board with budget outlays for the Civil Rights Activity Report; to provide the Congress with accomplishments in Equal Opportunity programs; to refer applicants (minorities and females); and to determine contractors' compliance with Executive Orders 11246 and 11375 as amended.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Equal Employment Opportunity Commission and the Merit Systems Protection Board to facilitate their processing of discrimination complaints, including investigations, hearings and reviews on appeals; (2) Responses to other Federal agencies and other organizations having legal and administrative responsibilities related to the NASA Equal Employment Opportunity Programs and to individuals in the record; (3) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by any combination of name, birthdate, social security number, ethnic groups, grades, topics, statistics.

Safeguards: Records are located in locked metal file cabinets, or in metal file cabinets in secured rooms with access limited to those whose official duties require access and are locked during non duty hours.

Retention and disposal: Complaint files are maintained for one year after each case has been closed and then retired to the appropriate Federal Records Center. They are destroyed by the Records Center when the records are four years old. Other routine office records are reviewed periodically and retired to the appropriate Federal Records Center or destroyed.

System manager(s) and address: Director of Equal Opportunity Programs, Location 1.

Subsystem managers: Equal Employment Opportunity Officer at Locations 1, 3, and 8; Chief, Equal Employment Opportunity Programs Office at Location 2; Head, Equal Opportunity Programs Office at Location 4; Equal Employment Opportunity Programs Officer at Location 5; Equal Opportunity Officer at Location 6; Head, Equal Opportunity Programs Office at Location 7; Director, Equal Employment Opportunity Office at Location 9; Equal Opportunity Officer at Location 11; Equal Opportunity Officer at Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees, applicants, installation EEO officers, complainants, EEO counselors, EEO investigators, EEOC complaints examiners, MSPB officials, complaints coordinators, Director of Equal Opportunity Programs.

NASA 10EXDR

System name: Executive Development Records - NASA

System location: Locations 1 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Approximately 700 individuals with experience and education unique to the NASA mission in the technical and administrative fields who are considered to be replacement candidates for key positions within NASA or who are considered to be high potential candidates.

Categories of records in the system: Biographical data, education, training, government experience, other experience, military service, individual development plan data.

Authority for maintenance of the system: 42 U.S.C. 2473, 44 U.S.C. 3101, and 5 U.S.C. 4103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the identification of replacement candidates who are currently ready to assume the responsibility of a key position/positions throughout the Agency and for the identification of high potential and replacement candidates who are in need of a certain amount of training and/or experience before assuming a key position within the Agency. These candidates would then be groomed toward the identified key positions. There are no routine uses outside of NASA of the information contained in this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on disks.

Retrievability: The records are indexed alphabetically; however, once this information is stored on cards and/or tape, it may be indexed by social security number or by educational and work experience codes.

Safeguards: Records are located in a locked metal file cabinet with access limited to those whose official duties require access.

Retention and disposal: These records will be retained and updated for as long as there is a need by NASA top management to readily identify and groom replacement candidates for NASA's key positions throughout the Agency.

System manager(s) and address: Director, Office of Development, and Executive Development Officer, Location 1.

Subsystem Managers: Directors of Locations 2 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Notification procedure: Information may be obtained from the System Manager only.

Record access procedures: Requests from individuals should be addressed to the same address stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employers, top NASA officials throughout the Agency, other persons acquainted with the work performance of the individual, and NASA personnel records.

NASA 10GMVP

System name: Government Motor Vehicle Operators Permit Records - NASA

System location: Locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA employees, contractor employees, other federal and state government employees.

Categories of records in the system: Name, home address, Social Security Number, physical description of individual, physical condition of individual, traffic record.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; Federal Personnel Management Manual, Chapter 930; Federal Property Management Regulations Subpart 101-39.601; NASA Management Issuance 6720.1A.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the purpose of identifying and checking record of applicant and issuing permits for operation of Government vehicles. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) National Driver Register, Department of Transportation, where Form 1047 is received for check and (2) Standard routine uses 1 through 4 inclusive, as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Indexed by name.

Safeguards: Records are kept in a locked metal file cabinet with access limited to those whose official duties require access. Room is locked during non-duty hours.

Retention and disposal: Records are maintained for a period of three years when permit expires or until permit holder leaves the Agency or requests cancellation. Records are destroyed when no longer reguired.

System manager(s) and address: Chief, Budget and Support Branch, Location 1.

Subsystem Managers: Chief, Security Branch, Location 2; Transportation Officer, Location 3; Chief, Logistics Management Division, Location 4; Chief, Transportation Branch, Location 5; Chief of Transportation, Location 6; Chief, Management Support Division, Location 7; Head, General Services Section, Location 8; Director, Logistics Office, Location 9; Chief Contract Management, Location 10; Chief Installation Operations, Location 11; Director of Administration, Location 12; Contract and Property Specialist, Location 13; Chief, Maintenance and Administration Office, Location 14; Chief of Facilities, Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual NASA employees and individual contractor employees.

NASA 10HABC

System name: History Archives Biographical Collection-NASA

System location: Locations 1 and 5 as set forth in Appendix A.

Categories of individuals covered by the system: Individuals who are of historical significance in aeronautics, astronautics, space science, and other concerns of NASA.

Categories of records in the system: Biographical data; speeches and articles by the individual.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for researching and writing official histories and answering queries from various NASA offices. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: Disclosure to scholars (historians and other disciplines), or any other interested individuals for research and writing dissertations, articles, and books, for government, commercial and non-profit publication.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are stored in file folders.

Retrievability: The records are indexed by name.

Safeguards: Because these records are archive material and therefore a matter of public information, there are no special safeguard procedures required.

Retention and disposal: Most biographical files are retained indefinitely, either in the archives or retired to the appropriate Federal Records Center.

System manager(s) and address: Director, History Office, Code LH, Location 1.

Subsystems Managers: Administrative Operations Specialist, Code BE-4, Location 5(Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Press releases, newspapers, journals, and the individuals themselves.

NASA 10HERD

System name: Human Experimental and Research Data Records - NASA

System location: Locations 2, 3, 5, 6, 9, and 13 as stated in Appendix A.

Categories of individuals covered by the system: Individuals who have been involved in space flight, aeronautical research flight, and/or participated in NASA tests or experimental or research programs; Civil Service employees, military, employees of other government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or study.

Categories of records in the system: Data obtained in the course of an experiment, test, or research medical data from inflight records; other information collected in connection with an experiment, test, or research.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by NASA for the purposes of evaluating new analytical techniques, equipment, and re-examining flight data for alternative interpretations, developing applications of experimental techniques or equipment, reviewing and improving operational procedures with respect to experimental protocols (both inflight and ground), life support systems operating procedures, determining human engineering requirements, and carrying out other research.

In addition to the internal use of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to other individuals or organizations, including Federal, State, or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; and (2) the standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders; on punch cards, magnetic tapes, or discs; on microfilm, microfiche, still photographs, or motion picture film; and on various medical recordings such as electrocardiographic tapes, stripcharts, and x-rays.

Retrievability: By name, experiment or test; arbitrary experimental subject number; flight designation; or crew member designation on a particular space or aeronautical flight.

Safeguards: Access is limited to Government personnel requiring access in the discharge of their duties, and to appropriate support contractor employees on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations set forth in 14 C.F.R. Part 1212.

Retention and disposal: Astronaut records are retained indefinitely. Ground test and research data are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed, except that significant medical data will be handled in accordance with CSC regulations and NASA Control Schedule 11.

System manager(s) and address: Chief, NASA Occupational Health Office, Location 1.

Subsystem Managers: Research Assistant to the Director, Location 2; Director of Man/Systems Integration Division, Location 3; Assistant Director for Life Sciences, Space and Life Sciences Directorate, Location 5; Director, Biomedical Office, Location 6; Director, Management Services Office, Location 9; Manager, White Sands Test Facility, Location 13. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the system or subsystem manager named above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Experimental test subjects, physicians, principal investigators and other researchers, and previous experimental test or research records.

NASA 10IGIC

System name: Inspector General Investigations Case Files - NASA

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Subsystem Locations: Locations 2, 5, 6, 7, 8, 9 and 10 as set forth in Appendix A.

Categories of individuals covered by the system: Current and former employees of NASA, contractors and sub-contractors, and others whose actions have affected NASA.

Categories of records in the system: Case files pertaining to matters including, but not limited to, the following classifications of cases: (1) Fraud against the Government, (2) Theft of Government property, (3) Bribery, (4) Lost or stolen lunar samples, (5) Misuse of Government property, (6) Conflict of interest, (7) Waiver of claim for overpayment of pay, (8) Leaks of Source Evaluation Board information, (9) Improper personal conduct, (10) Irregularities in awarding contracts.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 28 U.S.C. 535 (b); 5 U.S.C. App. I; 4 C.F.R. 91; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for: (1) Providing management with information which will serve as a possible basis for appropriate administrative action or the establishment of NASA policy; (2) Providing the Administrator of NASA (or the Comptroller General, as appropriate) sufficient information to provide a basis for decision concerning a request for waiver of claim in the case of an erroneous payment of pay.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Responding to the White House regarding matters inquired of; (2) Disclosure to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (3) Providing data to Federal intelligence elements; (4) Providing data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (5) Providing personal identifying data to Federal, State, local or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (6) Disclosing, as necessary, to a contractor, subcontractor, or grantee firm or institution to the extent that the disclosure is in NASA's interest and is relevant and necessary in order that the contractor/subcontractor/grantee is able to take administrative or corrective action; (7) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in file folders and on index cards.

Retrievability: Information is retrieved by name of individual.

Safeguards: Information is kept in locked metal file cabinets. Access is limited to Inspector General Division personnel.

Retention and disposal: Special interest case files are reviewed for destruction or further retention 10 years after case is closed and routine interest case files are destroyed 5 years after case is closed. Case is not closed until all judical and administration avenues and considerations have been finally exhaused. (Special interest files are those investigative files which the Assistant Inspector General for Investigations determines should be retained because of especially significant, sensitive, or historical content. All other files are routine interest files.)

System manager(s) and address: Assistant Inspector General for Investigations, Location 1.

Subsystem Managers: Director of Investigations, Western Regional Inspector General Office, Location 2; Acting Director of Investigations, Eastern Regional Inspector General Office, Location 4; Investigations Manager, Johnson Investigations Office, Location 5; Investigations Manager, Kennedy Investigations Office, Location 6; Inspector in Charge, Langley Investigations Office, Location 7; Inspector in Charge, Lewis Investigations Office, Location 8; Acting Director of Investigations, Southern Regional Inspector General Office, Location 9; Investigations Manager, JPL Investigations Office, Location 10. Locations are as set forth in Appendix A.

Notification procedure: None. System is exempt. See below.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Exempt.

Systems exempted from certain provisions of the act: The Inspector General Investigations Case Files system of records is exempt from all sections of the Privacy Act of 1974 (5 U.S.C. 552a), EXCEPT the following:

(b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to agency requirements for maintaining systems; and (i) relating to criminal penalties.

The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212, for the reason that the Office of Inspector General, NASA, is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

NASA 10PAYS

System name: Payroll Systems - NASA

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former NASA employees.

Categories of records in the system: The data contained in this system of records includes payroll, employee leave, insurance, labor and manpower distribution and overtime information.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 5 U.S.C. 5501 et seq.; 5 U.S.C. 6301 et seq.; General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 6; Treasury Fiscal Requirements Manual, Part III; Federal Personnel Manual; and NASA Financial Management Manual, Sections 9300 and 9600.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for maintaining the payroll records and related areas.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish to a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions and insurance data with carriers and collection agents; (3) To report to the Office of Personnel Management (a) withholdings of premiums for life insurance, health benefits and retirement, and (b) separated employees subject to retirement; (4) To furnish the U. S. Treasury magnetic tape reports on net pay, net savings allotments and bond transmittal pertaining to each employee; (5) To provide the Internal Revenue Service with detail of wages taxable under the Federal Insurance Contributions Act and to furnish a magnetic tape listing on Federal tax withholdings; (6) To furnish various financial institutions itemized listings of employee's pay and savings allotments transmitted to the institutions in accordance with employee requests; (7) To provide various Federal, state, and local taxing authorities itemized listing of withholdings for individual income taxes; (8) To respond to requests by State employment security agencies and the U.S. Department of Labor for employment, wage, and separation data on former employees for the purpose of determining eligibility for unemployment compensation; (9) To report to various Combined Federal Campaign offices total contribu-

tions withheld from employee wages; (10) To furnish leave balances and activity to the Office of Personnel Management upon request; (11) To furnish data to labor organizations in accordance with negotiated agreements; (12) To furnish pay data to the Department of State for certain NASA employees located outside the United States; and (13) Standard routine uses 1 through 4 inclusive as set forth in Apprndix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and microfilm.

Retrievability: Records are indexed by name and/or social security number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for audit by the General Accounting Office and are transferred to the National Personnel Records Center, St. Louis, Missouri, anywhere from one to three years. Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook - NHB 1441.1A.

System manager(s) and address: Director, Financial Management Division, Office of the Comptroller, Location 1.

Subsystem Managers: Chief, Financial Management Division, Locations 2, 4, 5, and 7; Financial Management Officer, Locations 3; Chief, Financial Management Office, Location 6; Director of Resources Management, Location 8; Director, Financial Management Office, Location 9; Chief, Resources and Financial Management Office, Location 11; and Head, Financial Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained, personnel office, and the individual's supervisor.

NASA 10SCCF

System name: Standards of Conduct Counselling Case Files - NASA.

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Categories of individuals covered by the system: Current, former, and prospective NASA employees, who have sought advice or have been counselled regarding conflict of interest requirements for government employees.

Categories of records in the system: Depending upon the nature of the problem, information collected may include employment history, financial data, and information concerning family members.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 18 U.S.C. 201, 203, 205, 207-209; 5 U.S.C. 7324-7327; Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in the system of records is used within NASA for the purpose of counseling employees regarding conflict of interest problems. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Office of Personnel Management and Merit Systems Protection Board: for investigation of possible violations of standards of conduct which the agencies directly oversee; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are documentary and maintained in loose leaf binders or file folders.

Retrievability: By name of individual.

Safeguards: Restricted access to a few authorized persons; stored in combination lock safe.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Assistant General Counsel for General Law, Code GG, NASA Headquarters, Washington, DC 20546.

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the System Manager and must include employee's full name and NASA installation where employed.

Contesting record procedures: The NASA regulations and procedures for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information collected directly from individual and from his official employment record.

NASA 10SECR

System name: Security Records System - NASA.

System location: Locations 1 through 9 inclusive and Location 11, 12, 13, and 15 as set forth in Appendix A.

Categories of individuals covered by the system: Employees, applicants, NASA committee members, NASA consultants, NASA experts, NASA Resident Research Associates, guest workers, contractor employees, detailees, visitors, correspondents (written and telephonic), Faculty Fellows, sources of information.

Categories of records in the system: Personnel Security Records, Criminal Matter Records, Traffic Management Records.

Authority for maintenance of the system: National Aeronautics and Space Act, P.L. 85-568; Espionage and Information Control Statutes, 18 U.S.C. 793 through 799; Sabotage Statutes, 18 U.S.C. 2151 through 2157; Conspiracy Statute, 18 U.S.C. 371; 18 U.S.C. 202-208 and 3056; Internal Security Act of 1950, 5 U.S.C. 781 through 798; Atomic Energy Act of 1954, P.L. 703; Executive Order 11653, Classification and Declassification of National Security Information and Material; Executive Order 10865, Safeguarding Classified Information Within Industry; Executive Order 10450, Security Requirements for Government Employees; P.L. 81-733; Executive Order 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies; Federal Property Management Regulation, 41 C.F.R. Subpart 101-11; Federal Personnel Manual, Chapters 732 and 736; 14 C.F.R. Part 1203a; 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel Security Records: The information contained in this category of records is used within NASA for the purpose of granting security clearances; for determining qualifications, suitability, and loyalty to the United States Government; for determining qualifications for access to classified information, security areas, and NASA installations, and for determining qualifications to travel to Communist controlled areas.

In addition to the internal uses of the information contained in this category of records, the following are routine uses outside of NASA: (1) To determine eligibility to perform classified visits to other Federal agencies and contractor facilities; (2) To provide data to Federal intelligence elements; (3) To provide data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (4) To provide a basis for determining preliminary visa eligibility; (5) To respond to White House inquiries; (6) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (7) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (8) Disclosure to a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Criminal Matter Records: The information contained in this category of records is used within NASA for providing management with information which will serve as a possible basis for administrative action. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Traffic Management Records: The information contained in this category of records is used within NASA to provide designated officials and employees with data concerning vehicle ownership, traffic accidents, violation of traffic laws, suspension of driving privileges, traffic control, vehicle parking, and car pools. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punch cards, microfilm, and film.

Retrievability: Records are indexed by name, file number, organization, place of origin, badge number, decal number, date of event, space number, payroll number, and social security number.

Safeguards: Access to Personnel Security Records is controlled by Government personnel exclusively. Access to Criminal Matter Records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. After presenting proper identification and requesting a file or record, a person with a need-to-know and, if appropriate, a proper clearance may have access to a file or record only after it has been retrieved and approved for release by a NASA security representative. These records are secured in security storage equipment.

Traffic Management Records: Access to these records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. Access to these records is permitted after a determination has been made that the requestor has an official interest. These records are stored in locked containers.

Retention and disposal: Records, depending upon type, are retained from 6 months to 30 years before being destroyed. When current immediate need no longer exists, records are either transferred to the appropriate Federal Records Center or destroyed in accordance with records disposal instructions.

System manager(s) and address: Chief, NASA Security Office, Location 1.

Subsystem Managers: Chief, Security Branch, Locations 2, 4, and 5; Security Officer, Location 3; Chief, Security Office, Location 6; Security Officer, Locations 7, 8, 11, and 12; Chief, Security Division, Location 9; Privacy Officer at Location 13; Safety and Security Officer at Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above. Requests must contain the following identifying data concerning the requestor: first, middle, and last name; date of birth; social security number; period and place of employment with NASA, if applicable.

Record access procedures: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information have been exempted by the Administrator under 5 U.S.C. 522a (k) (5) from the access provisions of the Act.

Criminal Matter Records compiled for civil or criminal law enforcement purposes have been exempted by the Administrator under 5 U.S.C. 552a (k) (2) from the access provisions of the Act.

Traffic Management Records: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: For Personnel Security Records and Criminal Matters Records see Access, above. For Traffic Management Records, the NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Personnel Security Records: Exempt

Criminal Matter Records: Exempt

Traffic Management Records: Employees, civil investigative agencies, civil law enforcement agencies, Federal and local judicial systems, medical records.

Systems exempted from certain provisions of the act: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a confidential source, are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (5) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Criminal Matter Records to the extent they constitute investigatory material compiled for law enforcement purposes are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (2) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Records subject to the provisions of 5 U.S.C. 552 (b) (1) (required by Executive order to be kept secret in the interest of national defense or foreign policy) are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to the access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552A (k) (1) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

NASA 10SMED

System name: System of Medical Records - NASA

System location: In Health Clinics/Units at locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA Civil Service employees & applicants; other Agency civil service & military employees working at NASA; visitors to field installations; on-site contractor personnel who receive job related examinations or come to clinic for emergency or first aid treatment; space flight personnel and their families.

Categories of records in the system: General medical records of first aid, emergency treatment, examinations, exposures, and consultations.

Information resulting for physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal physicians; statistical records; examination schedules; daily log of patients; correspondence; radiation exposure records; alcohol/drug patient information; consultation records.

Astronauts and their families - more detailed and complex physical examinations.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; OMB Circular A-72; Public Law 92-255; Public Law 79-658; Public Law 91-66.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: Reference by examining physicians in conduct of physical examinations; review by physicians in consideration of fitness for duty; evaluation for physical disability retirement; statistical data development; patient recall; in-space medical evaluation for astronauts; exposure data for radiation/toxic exposure limits, compliance and examinations; consultations; evaluation of employees, applicants, and contractor employees for specialized or hazardous duties.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Referral to private physicians designated by the individual when requested in writing; (2) Patient referrals; (3) Referral to OPM, OSHA and other Federal agencies as required in accordance with these special program responsibilities; (4) Referral of information to a non-NASA individual's employer; (5) Evaluation by medical consultants; (6) Standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders, punch cards, electrocardiographic tapes and x-rays.

Retrievability: By name, date of birth and social security number.

Safeguards: Access limited to concerned medical personnel on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: In accordance with CSC regulations and NASA Control Schedule II. Records on astronauts are retained permanently.

System manager(s) and address: Chief, NASA Occupational Health Office, Location 1

Subsystem Managers: Medical Director or Medical Administrator at Locations 1 through 15 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individuals, physicians and previous medical records of individuals.

NASA 10SPER

System name: Special Personnel Records - NASA

System location: Locations 1 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Candidates for and recipients of awards or NASA training; civilian and active duty military detailees to NASA; participants in enrollee programs; Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; NASA contract and grant awardees and their associates having access to NASA premises and records; individuals with interest in NASA matters including Advisory Committee Members; NASA employees and family members, prospective employees and former employees.

Categories of records in the system: Special Program Files including: (1) Alien Scientist files; (2) Award files; (3) Counseling files, including alcohol and drug abuse, life and health insurance, retirement, upward mobility, and work injury counseling files; (4) Military and Civilian Detailee files; (5) Personnel Development files such as nominations for and records of training or education, Upward Mobility Program files, Intern Program files, Apprentice files, and Enrollee Program files; (6) Special Employment files such as Federal Junior Fellowship Program files, Stay-in-School Program files, Summer Employment files, Worker-Trainee Opportunity Program files, NASA Executive Position files, Expert and Consultant files, and Cooperative Education Program files; and (7) Supervisory appraisals under Merit Promotion Plan.

Correspondence and related information including: (1) Claims correspondence and records about insurance such as life, health, and travel; (2) Congressional and other Special Interest correspondence, including employment inquiries; (3) Correspondence and records concerning travel related to permanent change of station; (4) Debt complaint correspondence; (5) Employment interview records; (6) Information related to outside employment and activities of NASA employees; (7) Placement follow-ups; (8) Pre-employment inquiries and reference checks; (9) Preliminary records related to possible adverse actions; (10) Records related to reductions-in-force; (11) Records under agency as well as negotiated grievance procedures; (12) Separation information including exit interview records, death certificates and other information concerning deaths, retirement records, and other information pertaining to separated employees; (13)Special planning, analysis, and administrative information; (14) Work performance records; (15) Working papers for prospective or pending retirements.

Special Records and Rosters including: (1) Locator files; (2) Ranking lists of employees; (3) Repromotion candidate lists; (4) Retired military employee records; (5) Retiree records.

Agencywide and installation automated personnel information.

Rosters, applications, recommendations, assignment information and evaluations of Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; also, information about NASA contract and grant awardees and their associates having access to NASA premises and records.

Information about members of advisory committees and similar organizations.

All NASA-maintained information of the same types as, but not limited to, that information required in systems of records for which the Office of Personnel Management and other Federal personnel-related agencies publish governmentwide Privacy Act Notices in the Federal Register.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by officials and employees within NASA for preview, planning, review and management decisions regarding personnel and activities related to the records.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosures may be made to organizations or individuals having contract, legal, administrative or cooperative relationships with NASA, including labor unions, academic organizations, governmental organizations, non-profit organizations, and contractors; and to organizations or individuals seeking or having available a service or other benefit or advantage. The purpose of such disclosures is to satisfy a need or needs, further cooperative relationships, offer information, or respond to a request; (2) Statistical or data presentations may be made to governmental or other organizations or individuals having need of information about individuals in the records; (3) Responses may be made to other Federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records; (4) Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B may also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, lists, forms, index cards, microfilm, microfiche, and/or various computer storage devices such as discs, magnetic tapes and punched cards.

Retrievability: Records are indexed by any one or a combination of name, birthdate, social security number, or identification number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed.

System manager(s) and address: Director, Personnel Programs Division, Location 1

Subsystem Managers: Director, Headquarters Personnel Division, Location 1; Director of Personnel, Locations 2, 3, 4, 5, 6, 7, 8, 9, and 12; Chief, Personnel Office, Location 11. Locations are as set forth in Appendix A.

Notification procedure: Apply to the System or Subsystem Manager at the appropriate location above. In addition to personal identification (name, social security number, etc.), indicate the specific type of record, the appropriate date or period of time, and the specific kind of individual applying (e.g., employee, former employee, contractor employee, etc.).

Record access procedures: Same as notification procedures above.

Contesting record procedures: The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by the individual concerned are set forth in 14 C.F.R. Part 1212.

Record source categories: Individuals to whom the records pertain, NASA employees, other Federal employees, other organizations and individuals.

NASA 10XROI

System name: Exchange Records on Individuals - NASA

Security classification: Locations 6, 7, 8, 9, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former employees of, and applicants for employment with, NASA Exchanges, Recreational Associations, and Employees' Clubs at NASA installations. Individuals with active loans or charge accounts at one or more of the several organizations.

Categories of records in the system: Exchange Employees' personnel and payroll records, including injury claims, unemployment claims, biographical data, performance evaluations, annual and sick leave records, and all other employee records. Credit records on NASA employees with active accounts.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for (1) maintaining exchange employees' payroll, leave, and other records; (2) determining pay adjustment eligibility; (3) determining Federal, State, and City tax withholdings; (4) determining leave eligibility; (5) determining person to notify in emergency; (6) certification of unemployment or injury claims; (7) determining eligibility for employment and promotion; and (8) determining credit standing.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions for insurance data with carriers and collection agents; (3) To provide various Federal, State, and local taxing authorities itemized listing of withholdings for individual income taxes; (4) To respond to State employment compensation requests for wage and separation data on former employees; (5) To report previous job injuries to workmen's compensation organizations; (6) For emergency notice to person designated by employee; (7) To report unemployment record to appropriate State and local authorities; (8) When requested, provide other employers with work record; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. part 1212.

Retention and disposal: Exchange personnel records are permanent.

System manager(s) and address: Associate Administrator - NASA Comptroller, Location 1.

Subsystem Managers: Chairman, Exchange Council, Locations 6 and 7; Treasurer, NASA Exchange, Location 8; Exchange Operations Manager, Location 9; Head, Administrative Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Individuals may obtain information from the cognizant subsystem managers listed above.

Record access procedures: Requests from individuals should be directed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained and the individual's supervisor.

NASA 22ORER

System name: LeRC Occupational Radiation Exposure Records - NASA.

System location: NASA/Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135.

Categories of individuals covered by the system: Present and former LeRC employees and contractor personnel who may be exposed to radiation.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, Social Security Number, employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, 2201; Title 10 Code of Federal Regulations, Part 20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their radiation dosage.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Standard routine uses 1 through 4 inclusive as set forth in Appendix B and (2) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night.

Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and as long thereafter as required by regulations of the Nuclear Regulatory Commission.

System manager(s) and address: Chief, Office of Environmental Health, address same as shown for system location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

NASA 51RSCR

System name: GSFC Radiation Safety Committee Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: Radiation users and custodians under GSFC cognizance.

Categories of records in the system: Employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; USNRC License and GHB 1860.1, 'Radiation Safety Handbook'; GHB 1860.2 'Radiation Safety Radio-Frequency.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this sytem of records is used within NASA for review and approval of custodians and users of ionizing radiation by the Radiation Safety Committee. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources; (2) Occupational Safety and Health Administration (Federal and State) may inspect records pursuant to fulfilling their responsibilities under the Occupational Safety and Health laws. (3) The Environmental Protection Agency may inspect records pursuant to fulfilling their responsibilities under the Environmental Protection laws and executive order; (4) The Food and Drug Administration, DHEW, may inspect records pursuant to fulfilling their responsibilities respecting use of lasers and x-rays; (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are kept for two years. If employee does not wish to be renewed for position at the end of 2-year period, his record is removed and placed in inactive file.

System manager(s) and address: Chief, Health and Safety Engineering Office; address same as shown for system location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees

NASA 53BHTR

System name: Wallops Flight Center Base Housing Tenant Record - NASA.

System location: Wallops Flight Center, National Aeronautics and Space Administration, Wallops Island, Virginia 23337

Categories of individuals covered by the system: Tenants of Wallops Housing area.

Categories of records in the system: Housing Rental Agreements, records of rent receipts and records of dormitory occupants.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for control of family housing and dormitory facilities. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) To furnish to a third party a verification of an employee's tenant status upon a written request of tenant; (2) To furnish verification of residency to various Federal, State, and local authorities; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and card files.

Retrievability: Records are indexed by name and/or room number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook, NHB 1441.1A.

System manager(s) and address: Head, Administrative Management Branch, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Tenants and dormitory occupants and Administrative Management records.

NASA 62FHAP

System name: MSFC Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Marshall Space Flight Center, Alabama 35812.

Categories of individuals covered by the system: MSFC Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, MSFC, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Director, Personnel Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 72XOPR

System name: JSC Exchange Activities Records - NASA.

System location: Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, Texas 77058.

Categories of individuals covered by the system: Employees and past employees of JSC Exchange Operations, applicants under the JSC Exchange Scholarship Program, and JSC employees or JSC contractor employees participating in sports or special activities sponsored by the Exchange.

Categories of records in the system: For present and past employees of the JSC Exchange Operations, the system includes a variety of records relating to personnel actions and determinations made about an individual while employed by the NASA Exchange-JSC. These records contain information about an individual relating to birth date; social security number; home address and telephone number; marital status; references; veteran preference, tenure, handicap; position description, past and present salaries, payroll deductions, leave; letters of commendation and reprimand; adverse actions, charges and decisions on charges; notice of reduction-in-force; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer and separation; minority group; records relating to life insurance, health and retirement benefits; designation of beneficiary; training; performance ratings; physical examinations; criminal matters; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

For successful applicants under the JSC Exchange Scholarship Program, the system contains information supplied by individual Center employees who have applied for an Exchange Scholarship for their son or daughter and includes, but is not limited to, education, financial transactions or holdings, employment history, medical data and other related information.

For participants in social or sports activities sponsored by the Exchange, information includes employees' or contractors' employee identification number, organization, location, telephone number, and other information directly related to status or interest in participation in such activities.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; NASA Management Issuance 9050.6; Treasury Fiscal Requirement Manual, Part III, Payroll Deductions and Withholdings; Federal Personnel Manual; JSCM 31712A, Exchange Activities Manual, dated May 1980.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: (1) With respect to past or present employees of the JSC Exchange Operations, information in the system is used to: (a) pay employees and advise employees through Leave and Earnings Statements, (b) provide for promotion opportunities, disciplinary actions, staffing controls, budget requirements, employee fringe benefits, and other related personnel managerial purposes; and (c) submit reports in accordance with legal or policy directives and regulations to center management and NASA Headquarters; (2) With respect to successful applicants under the JSC Scholarship Program, the information in the system is used to award scholarships to the sons and daughters of NASA-JSC employees; and (3) With respect to partici-

pants in the social or sports activities sponsored by the Exchange, the information maintained in the system is used to facilitate participation in such activities.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA for information maintained on JSC Exchange Operations employees only: (1) Provide information in accordance with legal or policy directives and regulations to the Internal Revenue Service, Department of Labor, Department of Commerce, Texas State Government Agencies, labor unions; (2) Provide information to insurance carriers with regard to workman's compensation, health and accident, and retirement insurance coverages; (3) Provide employment or credit information to other parties as requested by a current or former employee of the JSC Exchange Operations; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: For Exchange employees, records are maintained by name and filed as current or past employee. For Scholarship applicants, records are maintained by name. For participants in social or sports activities, records are maintained by name.

Safeguards: Records are located in locked metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: For employees of JSC Exchange Operations, Personnel Records are retained indefinitely to satisfy payroll, reemployment, unemployment compensation, tax and employee retirement purposes.

For successful applicants under the JSC Exchange Scholarship Program, records are maintained until completion of awarded scholarship and then destroyed. Records pertaining to unsuccessful applicants are returned to them.

For participants in social or sports activities, records are maintained for a stated participation period, and are then destroyed.

System manager(s) and address: Manager, Exchange Operations, NASA Exchange - JSC, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: For employees of the JSC Exchange Operations, information is obtained from the individual employee, the employee references, insurance carriers, JSC Health Services Division, JSC Security, employment agencies, Texas Unemployment Commission, credit bureaus, and creditors.

With respect to the JSC Exchange Scholarship Program, the information is obtained from the parents or guardians of the scholarship participants.

For JSC employees and JSC contractor employees participating in social or sports activities sponsored by the Exchange, information is obtained from the individual participant.

NASA 73FHAP

System name: WSTF Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: JSC White Sands Test Facility, National Aeronautics and Space Administration, P. O. Drawer MM, Las Cruces, New Mexico 88001.

Categories of individuals covered by the system: WSTF Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, WSTF, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Chief, Administration Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 76RTES

System name: KSC Radiation Training and Experience Summary - NASA

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: Custodians or users of radioactive materials or ionizing radiation-producing devices. Applicable to all users or custodians at KSC and NASA or NASA contractor personnel at Cape Canaveral Air Force Station, Florida, or Vandenberg Air Force Base, California.

Categories of records in the system: Name and nuclear related experience.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2111, 2201, 2232, 2233, Title 10 Code of Federal Regulations, Part 33 for Federal Licensee, and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine the suitability of individuals for specific assignments dealing with ionizing radiation and to preclude unnecessary exposure to self and others.

In addition to the internal uses of the information contained in this system of records, routine uses outside of NASA include: (1) Disclosure to Air Force Radiation Protection Officers at Cape Canaveral Air Force Station, Florida, and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices to facilitate protection of the individual and the public; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the applicable NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

NASA 76STCS

System name: KSC Shuttle Training Certification System (YC 04)

System location: John F. Kenndey Space Center Systems Training and Employee Development Branch Kenndey Space Center, FL 32899

Categories of individuals covered by the system: KSC Civil Service, KSC contractor, and DOD personnel who have received systems, skills, or safety training in support of KSC or Space Shuttle Operations.

Categories of records in the system: Records of training attendance and certifications, including certifications of physical ability to perform hazardous tasks.

Authority for maintenance of the system: 42 U.S.C. 2473, 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine training needs, and the operational readiness of the work force, to provide data for badging and access control to hazardous areas or critical operations, to determine the size of individual protective equipment and to identify personnel with needed skill combinations. In addition to the internal uses the information contained in this systems of records, the following are routine uses outside of NASA: (1) Disclosure is made of information on employees of KSC contractors to those contractor organizations and to the Computer Sciences Corporation to facilitate the performance of the contracts. These disclosures are made by Boeing Services International which compiles these training records for KSC; (2) Standard routine uses 1-4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained for KSC by Computer Services Corporation on computer tape with printouts made quarterly. Complete printouts are filed in the KSC Systems Training and Employee Development Branch, and The Boeing Services International Training Office. Records containing raw data on course attendance and trainee statistics are maintained by Boeing Services International for KSC.

Retrievability: Indexed by name, organization, and skill.

Safeguards: These listings are automated systems, skills, and safety training records maintained under administrative control of responsible organizations in areas that are locked when not in use. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Outdated records are destroyed.

System manager(s) and address: Chief, Systems Training and Employee Development Branch, Kennedy Space Center, FL 32899

Notification procedure: Individuals may obtain information from the Systems Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and for appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information is obtained from class rosters, operational records, reports of physical examination completions and actions or certification boards.

NASA 76XRAD

System name: KSC USNRC Occupational External Radiation Exposure History for Nuclear Regulatory Commission Licenses - NASA.

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: KSC civil servants and KSC contractor personnel who have received exposure approximating or exceeding statutory limits.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, social security number.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, and 2201; 10 C.F.R., Part 20 for Federal Licensee; and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their approaching or exceeding radiation dose limits.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure to Air Force Radiation Protection Offices at Cape Canaveral Air Force Station, Florida and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices, to facilitate the protection of individuals; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

APPENDIX A.

LOCATION NUMBERS AND MAILING ADDRESSES OF NASA INSTALLATIONS AT WHICH RECORDS ARE LOCATED.

Location 1.
National Aeronautics and Space Administration
Washington, DC 20546

Location 2
Ames Research Center
National Aeronautics and Space Administration
Moffett Field, CA 94035

Location 3
Hugh L. Dryden Flight Research Center
National Aeronautics and Space Administration
P. O. Box 273
Edwards, CA 93523

Location 4
Goddard Space Flight Center
National Aeronautics and Space Administration
Greenbelt, MD 20771

Location 5
Lyndon B. Johnson Space Center
National Aeronautics and Space Administration
Houston, TX 77058

Location 6
John F. Kennedy Space Center
National Aeronautics and Space Administration
Kennedy Space Center, FL 32899

Location 7
Langley Research Center
National Aeronautics and Space Administration
Langley Station
Hampton, VA 23665

Location 8
Lewis Research Center
National Aeronautics and Space Administration
21000 Brookpark Road
Cleveland, OH 44135

Location 9
George C. Marshall Space Flight Center
National Aeronautics and Space Administration
Marshall Space Flight Center, AL 35812
Location 10
NASA Resident Office-JPL
National Aeronautics and Space Administration
4800 Oak Grove Drive
Pasadena, CA 91103
Location 11
National Space Technology Laboratories
National Aeronautics and Space Administration
NSTL Station, MS 39529
Location 12
Wallops Flight Center
National Aeronautics and Space Administration
Wallops Island, VA 23337
Location 13
JSC White Sands Test Facility
National Aeronautics and Space Administration
P.O. Drawer MM
Las Cruces, NM 88001
Location 14
LeRC Plum Brook Station
National Aeronautics and Space Administration
Sandusky, OH 44870
Location 15
Michoud Assembly Facility
National Aeronautics and Space Administration
P.O. Box 29300
New Orleans, LA 70129

APPENDIX B

STANDARD ROUTINE USES - NASA

The following routine uses of information contained in systems of records subject to the Privacy Act of 1974 are standard for many NASA systems. They are cited by reference in the paragraph 'Routine uses of records maintained in the system, including categories of users and the purpose of such uses' of the FEDERAL REGISTER notice on those systems to which they apply.

Standard Routine Use No. 1 - LAW ENFORCEMENT - In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Standard Routine Use No. 2 - DISCLOSURE WHEN REQUESTING INFORMATION - A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Standard Routine Use No. 3 - DISCLOSURE OF REQUESTED INFORMATION - A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Standard Routine Use No. 4 - COURT PROCEEDINGS - In the event there is a pending court or formal administrative proceeding, any records which are relevant to the proceeding may be disclosed to the Department of Justice or other agency for purposes of representing the Government, or in the course of presenting evidence, or they may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

[FR Doc. 80-29796 Filed 9-29-80; 8:45 am]

BILLING CODE 7510-01-F

federal register

Tuesday
September 30, 1980

Part V

Department of the Interior

Fish and Wildlife Service

Devil's River Minnow (Dionda Diaboli) and Virgin River Chub (Gila Robusta Seminuda); Withdrawal of Expired Proposals for Listing as Threatened and Endangered

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Withdrawal of Expired Proposals for Listing Devil's River Minnow (Dionda Diaboli) and Virgin River Chub (Gila Robusta Seminuda)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of withdrawal of two expired proposed rules.

SUMMARY: As amended November 10, 1978, the Endangered Species Act mandates withdrawal of proposed rules to list species which have not been made final within two years of the proposal date. The amended Act also authorized a one-year suspension of all withdrawals, until November 10, 1979. The time limit has expired for proposals to list the Devil's River Minnow (*Dionda diaboli*) and the Virgin River chub (*Gila robusta seminuda*).

The Devil's River minnow and Virgin River chub were proposed for listing as Threatened and Endangered, respectively, on August 15, 1978 (43 FR 36117–20) and August 23, 1978 (43 FR 37668–70). The Devil's River minnow occurs in the Devil's River and San Felipe Creek in Val Verde County Texas. The Virgin River chub occurs in the Virgin River in southwest Utah, northwest Arizona and southern Nevada. This notice constitutes the withdrawal of the two proposals for fishes for which the two-year time limit has expired.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

"A final regulation adding a species to any list published pursuant to subsection (c) shall be published in the **Federal Register** not later than two years after the date of publication of the notice of the regulation proposing listing under paragraph (B)(i)(I). If a final regulation is not adopted within such two-year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the **Federal Register** not later than 30 days after end of such period. The Secretary shall not propose a regulation adding to such a list any species for which a proposed regulation has been withdrawn under this paragraph unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation for the listing of any species published before the date of the Endangered Species Act Amendments of 1978 shall be withdrawn under this paragraph before the end of the one-year period beginning on such date of enactment."

The two-year time limit on proposals and one-year period suspension of withdrawals have expired for the Devil's River minnow and Virgin River chub. This action gives notice of the withdrawal of these species.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543).

The primary author of this notice is Dr. James D. Williams, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Dated: September 15, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-30205 Filed 9-29-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Tuesday
September 30, 1980

Part VI

Environmental Protection Agency

State Implementation Plans; Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL 1604-6]

State Implementation Plans; Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension

AGENCY: Environmental Protection Agency.

ACTION: Proposed policy.

SUMMARY: Provisions of the Clean Air Act Amendments enacted in 1977 require states that have received an extension of the attainment date for a national ambient air quality standard (NAAQS) for ozone or carbon monoxide beyond 1982 to submit a state implementation plan (SIP) revision by July 1, 1982. This proposed policy describes the criteria that the Environmental Protection Agency (EPA) will use to review these 1982 SIP submittals and also updates and supplements the Administrator's February 24, 1978 memorandum, "Criteria for Approval of 1979 SIP Revisions," (43 FR 21673).

DATES: Comments received on or before December 1, 1980, will be considered by the EPA in preparing the final policy.

ADDRESS: Comments should be submitted (in duplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-79-43, 401 M Street, S.W., Washington, D.C. 20460.

Docket No. A-79-43, containing material relevant to this action, is located at the EPA Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Additional information about the proposed policy is available from the following: General policy contact: Mr. David Stonefield, Standards Implementation Branch, Environmental Protection Agency (MD-15), Research Triangle Park, North Carolina 27711, telephone (919) 541-5497.

Transportation policy contact: Mr. Gary C. Hawthorn, Office of Transportation and Land Use Policy (ANR-445), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone (202) 755-0603.

Vehicle inspection and maintenance contact: Mr. Donald White, Motor Vehicle Emission Test Lab, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, telephone (313) 668-4350.

SUPPLEMENTARY INFORMATION:

Proposed Policy

Introduction

In circumstances where a state has received an extension beyond 1982 for attaining a NAAQS for ozone or carbon monoxide, the Clean Air Act Amendments of 1977 [section 129(c) of Public Law 95-95] require the state to adopt and submit a SIP revision to the Administrator of EPA by July 1, 1982. The states that include areas affected by this requirement are listed in Appendix A. The purpose of this notice is to outline the criteria that EPA proposes to use in evaluating the adequacy of the 1982 SIP revisions. These criteria fall into four general categories: (1) control strategies and attainment demonstration, (2) SIP development process, (3) data collection, and (4) modeling.

The Clean Air Act of 1977 requires all SIPs for the areas that have received an extension beyond 1982 to demonstrate attainment of the NAAQSs for ozone or carbon monoxide as expeditiously as practicable, but not later than December 31, 1987. As a condition for extending ambient standards attainment dates, Congress also required that each SIP contain certain control provisions covering stationary sources, vehicle inspection and maintenance (I/M) and transportation measures. These minimum measures and their relationship to the plan's attainment demonstration are described in Section I. Section I also discusses the approach that EPA believes should be followed by those few large urban areas air quality problems are so severe that analyses may indicate that attainment by 1987 is not possible.

In addition to including a demonstration of attainment, the development of the 1982 SIP must conform to the process and follow the procedures required by the Clean Air Act and described in subsequent EPA guidance. Section II identifies the major steps in the SIP development process. Selected EPA guidance documents for the SIP process are listed in Appendix B. Terms used in the transportation-air quality process are defined in Appendix C. Also, the air quality and emissions data bases to be used in developing the 1982 SIP must be updated. The data requirements for both ozone and carbon monoxide are explained in Section III. The data base for the ozone portion of the SIP must be sufficient to support Level III analysis are summarized in Appendix D.

Finally, Section IV describes the status of the various air quality models and alerts states to anticipated modeling requirements. EPA proposes recommending application of the city-specific Empirical Kinetic Modeling Approach (EKMA) for developing the ozone portion of the SIP. For the carbon monoxide portion, EPA proposes application of the models identified in existing EPA guidance.

I. Control Strategies and Attainment Demonstration

A. Summary

The Clean Air Act requires the 1982 SIPs to contain a fully adopted, technically justified program that adopts and commits to implement groups of control measures that will result in attainment of the ozone and carbon monoxide NAAQSs no later than 1987 and that will provide reasonable further progress in the interim. All plans must contain the minimum control measures described in this section. If these minimum control measures are not adequate to show attainment by 1987, additional measures which can be implemented by 1987 must be identified and adopted. If all measures which can be implemented by 1987 are not adequate to demonstrate attainment by 1987, additional measures which can be implemented after 1987 must be identified and adopted and attainment must be demonstrated by a specified date.

Subsections B-D describe in detail the minimum control measures which must be contained in each plan submitted in July 1982. The state must demonstrate that adoption and implementation of these elements will result in the attainment of the ozone and carbon monoxide standards by the most expeditious date possible. Control measures must be adopted in legally enforceable form. The SIP submittal must include implementation schedules and commitments. Subsections E and F describe reasonable further progress and attainment demonstration requirements. Subsection G describes the conformity of federal actions requirement.

B. Stationary Sources

Section 172(a) of the Clean Air Act, requires states to implement all reasonably available control measures as expeditiously as practicable and, in the interim, maintain reasonable further progress, including such reduction in emission from existing sources as may be obtained through the adoption, at a

minimum, of reasonably available control technology (RACT). In order to complete the requirement to adopt all reasonably available control measure, states must (1) adopt regulations apply RACT to all sources covered by a control technique guideline (CTG), and (2) adopt regulations on all remaining major stationary sources (more than 100 tons/year potential emissions) as part of the 1982 submittal.

The guidelines for the 1979 ozone submittals permitted states to defer the adoption of regulations until the CTG for a source category was published. This delay allowed the states to make more technically sound decisions regarding the application of RACT. EPA anticipates issuing a number of additional CTGs in 1981 for various source categories of VOCs. These documents, in conjunction with the proviously issued CTGs, will address most of the major source categories which are of national importance. Legally enforceable measures implementing RACT for all sources addressed by these documents must be included in the July 1982 submittal.

There will remain numerous other major sources of VOCs that may be of local importance for which a CTG will not be available. For the major sources for which a CTG does not apply, a state must determine whether additional controls representing RACT are available. EPA will require the submittal to include either legally enforceable measures implementing RACT on these sources or documentation supporting a determination by the state that the existing level of control represents RACT for each of these sources.

If application of RACT to all sources covered by a CTG and all other major sources does not result in attainment of the ozone standards by 1987, then additional stationary source controls must be adopted by the state.

C. Vehicle Emission Inspection and Maintenance

All major urban areas needing an extension beyond 1982 for attainment of a standard for ozone or carbon monoxide were required to include vehicle emission I/M as an element of the 1979 SIP revision. States were required at that time to submit only evidence of adequate legal authority, a commitment to implement and enforce a program that will reduce hydrocarbon and carbon monoxide exhaust emissions from light duty vehicles in 1987 by 25 percent, and a schedule for implementation. Full implementation of that program, in accordance with EPA's I/M policy dated July 17, 1978 and subsequent guidance, is required in all cases by December 31, 1982.

States with areas that have I/M programs under development or operational as part of their 1979 SIP revisions were required to submit only qualitative descriptions of their I/M program elements in the 1979 SIP submittal. The documentation discussed below must be submitted by July 1982, if not previously submitted as evidence of compliance with the 1979 implementation schedule. The 1982 SIP revision must include rules and regulations and all other I/M elements which could affect the ability of the I/M program to achieve the minimum emission reduction requirements. More specifically, the 1982 submittal must include: (1) inspection test procedures; (2) emission standards; (3) inspection station and inspector licensing requirements; (4) emission analyzer specification and maintenance/calibration requirements; (5) recordkeeping and record submittal requirements; (6) quality control, audit, and surveillance procedures; (7) procedures to assure that noncomplying vehicles are not operated on the public roads; (8) any other official program rules, regulations, and procedures; (9) a public awareness plan; and (10) a mechanics training program if additional emission reduction credits are being claimed for mechanics training. EPA will update guidance for determining the adequacy of I/M programs. As part of the 1982 SIP review process, EPA will determine the overall adequacy of the critical elements of each I/M program and, therefore, the approvability of the 1982 SIP by comparing those elements to this I/M guidance. I/M program elements must be consistent with EPA guidance or a demonstration must be made that the program elements are equivalent.

State or local governments that have I/M programs, but plan to increase the coverage and/or stringency of the programs in order to achieve greater reductions, must submit the program modifications in legally enforceable form through the 1982 SIP revision process.

D. Transportation Measures

The portion of the 1982 SIP addressing emission reductions to be achieved through the implementation of transportation measures must include the basic provisions listed below. Further guidance will be issued, as necessary, to describe these requirements in greater detail.

1. An updated emission reduction target for the transportation sector. As discussed below, the target must be determined by consultation among state and local officials using the procedures established under section 174 of the Act.

2. All reasonably available transportation measures and packages of measures necessary for the expeditious attainment of the transportation emission reduction target. Categories of reasonably available transportation measures are identified in section 108(f) of the Act. The submittal should present documentation, based on technical analysis, of the basis for not implementing any of the measures identified in this section. The 1982 SIP submittal must contain transportation emission reduction estimates for adopted measures and packages of measures for each year between 1982 and the attainment date. Any reasonably available transportation measures that have been adopted between the submission of the 1979 revision and the preparation of the 1982 revision should be included in the 1982 submittal along with the associated emission reductions.

3. Commitments, schedules of key milestones (no more than a year apart), and, where appropriate, evidence of legal authority for implementation, operation, and enforcement of adopted reasonably available transportation measures. Costs and funding sources for planning, implementing, operating, and enforcing adopted measures must be determined for all measures. Tasks and responsibilities of state and local agencies and elected officials in carrying out required programming implementation, operation, and enforcement activities associated with adopted transportation measures must be identified. The 1982 submittal must also include documentation that state and local governments are continuing to meet the schedules and commitments for the transportation measures included in the 1979 SIP.

4. Comprehensive public transportation measures to meet basic transportation needs. The measures must be accompanied by an identification and commitment to use, to the extent necessary, federal, state and local funds to implement the necessary improvements. Commitments and schedules for the implementation of these measures must also be submitted.

5. A description of public participation and elected official consultation activities during development of the transportation measures.

6. A monitoring plan for regularly assessing the extent to which transportation measures are resulting in the emission reductions projected and the reasons for any short-falls in reductions.

7. Administrative and technical procedures and agency responsibilities for assessing, in response to section 176(c) of the Clean Air Act, the conformity of federal or federally assisted transportation plans, programs, and projects with the SIP.

8. A contingency plan for achieving the implementation of additional transportation measures beneficial to air quality and delaying actions adverse to air quality, if expected emission reductions or air quality improvements do not occur.

The Administrator's February 24, 1978 memorandum, "Criteria for Approval of 1979 SIP Revisions," and the October 1978 SIP Transportation Checklist identified the elements necessary for the transportation portion of the 1979 SIP. The provisions listed above supplement the elements described in the earlier guidance.

The guidance for 1979 placed primary emphasis on the establishment of a continuing air quality-transportation planning process. This continuing planning process must be used in developing the transportation portion of the 1982 SIP revision. The process is described in the June 1978 EPA—Department of Transportation (DOT) Transportation—Air Quality Planning Guidelines and the May 1, 1980 EPA—DOT Expanded Guidelines for Public Participation. Where the process for an area has changed from that described in the 1979 submittal, an updated description, including key planning, programming, and funding decision points, should be submitted in 1982.

Solutions to carbon monoxide problems can be found through areawide planning, as well as through analyses of individual problem areas. Evidence of specific carbon monoxide problem areas is derived from modeling and monitoring information. Although the geographic area that is nonattainment for carbon monoxide may be small, the measures necessary to meet standards may have to be applied over a larger area. It is essential to guard against selecting measures that will solve the carbon monoxide problem in a small geographic area, but that will worsen the ozone problem or simply transfer the carbon monoxide problem to another area.

E. Reasonable Further Progress

The July 1982 submittal must demonstrate that reasonable further progress toward attainment of the ozone and carbon monoxide standards will continue to be made through regular, consistent emission reductions throughout the period of nonattainment. The annual emission reductions from the 1980 baseline must at least equal the emission reductions that would be achieved through a linear attainment program to the attainment date. All controls must be implemented as expeditiously as practicable. Compliance with the reasonable further progress requirement does not authorize delays in implementation or adoption of any measures.

The demonstration of reasonable further progress must distinguish between those emission reductions projected to result from mobile sources and stationary source measures. The projected reductions to be achieved from these source categories must be consistent with the emission reduction targets established through the consultation process.

The criteria for approval of the 1979 submittal recognized that there would be a lag in the early years in achieving reasonable further progress because most measures could not achieve immediate reductions. By 1982, however, a significant number of the stationary source controls and transportation measures included in the 1979 submittal will be implemented, as will the vehicle emission I/M program. Accordingly, each plan must demonstrate reasonable further progress for each year until attainment is achieved. No lag period will be allowed in 1982 and later years.

F. Additional Control Measures Required for Attainment

If the minimum control measures described in subsections B–D are not adequate to demonstrate attainment by 1987 or achieve reasonable further progress the state must identify, evaluate and adopt additional measures which can be implemented by 1987. Examples of such measures include the following:

(1) requiring control of all major stationary sources to levels more stringent than those generally regarded as RACT,

(2) extending controls to stationary sources and source categories other than those subject to the minimum control measures described in subsection B,

(3) implementing a broader range of transportation controls, and

(4) increasing the coverage and stringency of the vehicle emission I/M program.

If implementation of all measures which can be implemented by 1987 will still not demonstrate attainment by 1987, the state should then analyze the transportation and other measures possible *in a longer time frame* that, together with the measures already evaluated, will result in attainment by a specific (post–1987) date. State and local governments must commit to implementatin of such measures.

Given the additional time and potential resources available to areas with a post-1987 attainment date, more extensive evidence will be required to demonstrate that any of the measures identified in section 108(f) of the Clean Air Act is not reasonably available. Many transportation measures which are not reasonable by 1987 will become reasonable by a post-1987 attainment date. The 108(f) measures ultimately selected should, both individually and collectively, be at least as ambitious as applications of these measures in other comparable areas. EPA, in consultation with the DOT, will act as a clearinghouse in identifying ambitious performance levels for specific measures.

The 1982 SIP revision to achieve a post-1987 emission reduction target must include a convincing demonstration that the target cannot be achieved by 1987 and that the post-1987 date is the most expeditious date possible. The demonstration must identify the minimum times needed for planning, programming, and implementation of adopted transportation and stationary source control measures. In addition, the demonstration must show that projected resources from available sources (federal, state, and local) are insufficient for faster implementation of the measures.

EPA will use the technical evaluation prepared by a state to assess whether areas are making all efforts possible to attain the ozone and carbon monoxide standards by 1987. If an area is unable to attain the ozone and carbon monoxide NAAQSs by 1987, then the "most expeditious date beyond 1987" must be agreed to by state and local agencies. The transportation and stationary source control measures necessary for demonstrating attainment by the most expeditious date must be adopted as part of the 1982 SIP submitted to EPA.

EPA believes that an approach which requires a state to demonstrate attainment by a certain date using measures it is committed to implement is more in keeping with the spirit of the Clean Air Act than an approach which would accept "paper" demonstrations of attainment by 1987 which relied on measures which would be virtually impossible to implement. EPA will not approve plans which rely on such "impossible" measures to demonstrate attainment, because such plans would fail to meet the requirement that the state must be committed to implement and enforce the plan.

EPA will review plans with post-1987 attainment dates in accordance with the requirements of the Clean Air Act. If EPA concludes that the current provisions of the Act do not allow approval of a SIP that provides for expeditious attainment of standards after 1987, EPA intends to seek legislative changes that will allow such an approval. The nature of any legislative change that the Agency may request will be based on a careful evaluation of the status of state efforts to develop plans which attain the standards on or before 1987. One option for legislative change that EPA will consider would provide area-specific schedules and control requirements for each of the areas that cannot demonstrate attainment by 1987.

G. Conformity of Federal Actions

Section 176(c) of the Clean Air Act requires all federal projects, licenses, permits, financial assistance and other activities to conform to SIPs. In addition, section 316(b) requires that the direct and indirect emissions associated with any wastewater treatment facility funded under the Clean Water Act be accommodated in the SIP. States should identify, to the extent possible, the emissions associated with federal actions, including wastewater treatment facility grants, that will take place during the period covered by the SIP. To help enable determinations of conformity, the population projections on which the 1982 SIP revision is based should be capable of being disaggregated at the time of project analysis so that the areas affected by individual federal actions can be identified, if the actions are not explicitly accounted for in the SIP.

II. SIP Development Process

The Clean Air Act, as amended in 1977, and subsequent regulations, policies and guidance from EPA have defined specific procedural requirements for developing SIP revisions for nonattainment areas. Appendix B includes a list of selected guidance documents that should be used in the preparation of the 1982 SIP. EPA regional offices will work with states and affected local governments during the preparation of the SIP to help assure that procedural requirements are satisfied and that interim products and activities are completed on a schedule that will enable the July 1, 1982 submittal deadline to be met.

A. Consultation Among State and Local Officials

Section 121 of the Act requires the states to provide a process of consultation with local governments, organizations of local elected officials, and federal land managers during certain actions under the Act, including preparation of SIP revisions for nonattainment areas. Section 174 of the Act requires a joint determination of the roles that various governmental agencies will take in the SIP development, implementation, and enforcement process. This division of responsibilities should be completed early in the process and must be submitted as a part of the 1982 SIP revision. Final regulations on sections 174 and 121 (40 CFR Part 51, Subpart M) were published on June 18, 1979 (44 FR 35176).

B. Establishment of Emission Reduction Targets

The control strategy for the 1982 SIP must reflect agreement among affected state and local officials on the emission reductions to be achieved. It is particularly important that clear objectives in terms of emission reduction targets be established for both stationary and mobile sources. In most cases, the establishment of emission reduction targets will occur soon after the technical evaluation of reasonably available stationary and mobile source control measures.

C. Analysis of Alternatives and Their Effects

In order for decision-makers and the public to have adequate information during SIP development, alternative control strategies, including measures beyond the minimum level of required controls (see Section I), should be developed and analyzed. For example, where a vehicle I/M program and RACT applied to all major stationary sources will not be sufficient, in combination with reasonably available transportation measures, to attain standards, a range of more stringent stationary and mobile source controls should be evaluated to determine the best combination to achieve the required emission reductions.

The Clean Air Act requires that SIP submittals include an analysis of air quality, health, welfare, economic, energy, and social effects of the SIP and of the alternative measures considered during SIP development. EPA believes that, in assessing the effects of alternative control measures, two national concerns should receive special emphasis. These concerns are (1) conservation of petroleum and natural gas, and (2) protection of the economies of declining urban areas. Additional emphasis on the effects of SIPs on energy conservation and economies of distressed urban areas will implement the intent of Executive Order 12185, Conservation of Petroleum and Natural Gas (45 FR 8537, February 7, 1980), and the National Urban Policy.

III. Air Quality and Emission Data Bases

The requirements for the 1979 SIP submittal included use of the best data available at the time of SIP development. Although states generally complied with this provision, in many cases the available data base had many shortcomings. All states will have had adequate time by 1982 to have an updated data base.

States will need to have the data necessary for SIP development significantly before the July 1, 1982 submittal date. To ensure that this effort receives appropriate priority and attention, EPA expects states to complete data collection, analyses, and documentation by December 31, 1981.

Emission inventories should, where possible, be prepared for a 1980 base year and projected for the anticipated year of attainment. Population projections and other forecasts used for determining growth rates and areawide emission estimates must be consistent with the population projections developed in accordance with the Agency's cost-effectiveness guidelines for wastewater treatment facilities (40 CFR Part 35, Subpart E, Appendix A).

The most recent three years of air quality data from the state and local air monitoring system network must be reduced, validated, and summarized in the plan submittal. Generally, this will include all data collected through the third quarter of 1981. All data from special studies implemented to support the modeling effort must also be compiled, reduced, and documented.

A. Data for Ozone SIP Revisions

EPA previously described the minimum data that the Agency anticipated would be necessary to prepare an ozone modeling effort for four levels of analyses (44 FR 65667, November 14, 1979). It now appears, however, that many of the areas requiring the more sophisticated levels of modeling will not be able to complete the more extensive data base collection efforts required for these models in time to support the 1982 SIP submittal. Accordingly, every urban area must, at a minimum, complete a data base sufficient to support a Level III (city-specific EKMA) modeling analysis. The elements of this data base are summarized in Appendix D.

EPA anticipates that states with especially severe ozone problems will need to apply a photochemical

dispersion model or an equivalent technique in subsequent modeling analyses after 1982. Data collection efforts should be structured to provide for this contingency.

In order to ensure that all the data bases will be compatible and that there is a consistent level of documentation and quality assurance, state submittals of environmental data must be consistent in format and content with the EPA draft guideline document, *Emission Inventory Requirements for 1982 Ozone SIPs.*

B. Data for Carbon Monoxide SIP Revisions

The emission inventory for carbon monoxide must be of sufficient accuracy and detail to provide the necessary input to models, and to determine the effectiveness of proposed control measures. The inventory should normally represent a typical week day during the worst carbon monoxide season and should cover the entire urban area. More detailed inventories for smaller areas ("hotspots") may be needed for analyzing specifically identified problems. The final acceptability of the inventory developed will be dependent on the modeling approach selected and will be judged on a case-by-case basis.

IV. Modeling

States will need to apply the best tools available in their 1982 SIP submittal. The air quality models that EPA considers acceptable are identified below.

A. Ozone Models

Photochemical dispersion models have the greatest potential for evaluating the effectiveness of ozone control strategies. This potential arises primarily from the ability to relate emissions directly to ambient ozone concentrations, taking into account atmospheric chemistry and dispersion. In most cases, however, data requirements associated with applying these models by 1982 are prohibitive. Of the generally available, less data intensive models, only the various applications of EKMA consider local meteorological influences and atmospheric chemistry in evaluating control requirements. The city-specific EKMA approach is the most promising for 1982 and we propose recommending its use.

The inability of other simpler models to adequately consider chemical kinetics and meteorological parameters reduces their ability to represent local situations. Accordingly, EPA will not consider plans based on linear or proportional rollback to provide an adequate demonstration of attainment.

B. Carbon Monoxide Models

States and urban areas must estimate the impact of local and regional control strategies on carbon monoxide nonattainment areas and demonstrate attainment of the carbon monoxide standard. The generally available carbon monoxide models are described in *Guideline on Air Quality Models,* April 1978, EPA 450–2–78–027. These guidelines, and any subsequent updates, should be followed in preparing a carbon monoxide attainment analysis. The acceptability of models other than those listed in the guideline will be evaluated on a case-by-case basis. Other models proposed for use must be adequately documented and validated.

Dated: September 24, 1980.

Douglas M. Costle,

Administrator.

Appendix A.—*States With Areas Requesting an Extension Beyond 1982 for Attaining the Ozone and Carbon Monoxide Standards*

EPA region	Ozone	Carbon monoxide
I	Connecticut	Connecticut.
	Massachusetts	Massachusetts.
		New Hampshire.
	Rhode Island	
II	New Jersey	New Jersey.
	New York	New York.
III	Delaware	
	District of Columbia	District of Columbia.
	Maryland	Maryland.
	Pennsylvania	Pennsylvania.
	Virginia	
IV		Georgia.
	Kentucky	Kentucky.
		North Carolina.
	Tennessee	Tennessee.
V	Illinois	Illinois.
	Indiana	Indiana.
	Michigan	Michigan.
	Ohio	Ohio.
	Wisconsin	Wisconsin.
VI		New Mexico.
	Texas	
VII	Missouri	Missouri.
VIII	Colorado	Colorado.
	Utah	Utah.
IX		Arizona.
	California	California.
		Nevada.
X		Alaska.
		Idaho.
	Oregon	Oregon.
	Washington	Washington.

Appendix B—Selected EPA Guidance for SIP Development Process

The following list identifies selected EPA guidance for SIP development. A compilation of major EPA guidance for SIP development is included in the "Air Programs Policy and Guidance Notebook," which is distributed to state and local agencies. Copies of the notebook are available for copying at the EPA Public Information Reference Unit in Washington, D.C. and at each EPA regional office.

1. Criteria for Approval of 1979 SIP Revisions, memorandum from Douglas M. Costle, Administrator of EPA to Regional Administrators, Regions I–X, February 24, 1978 (43 FR 21673).
2. Memorandum of Understanding Between DOT and EPA Regarding the Integration of Transportation and Air Quality Planning, June 1978.
3. EPA-DOT Transportation-Air Quality Planning Guidelines, June 1978.
4. Inspection/Maintenance Policy, memorandum from David G. Hawkins to Regional Administrators, Regions I–X, July 17, 1978.
5. Determination of Emission Reduction Responsibilities, memorandum from David G. Hawkins to Regional Administrators, August 1, 1978.
6. General Preamble for Proposed Rulemaking, April 4, 1979 (44 FR 20372).
7. 40 CFR Part 51, Subpart M—Intergovernmental Consultation, June 18, 1979 (44 FR 35176)
8. EPA-DOT Expanded Public Participation Guidelines, May 1, 1980 (45 FR 42032).
9. DOT-EPA Procedures for Conformance of Transportation Plans, Programs and Projects with Clean Air Act State Implementation Plans, June 12, 1980.
10. Policy and Procedures to Implement Section 316 of the Clean Air Act, as Amended, memorandum from Douglas M. Costle to Regional Administrators, Regions I–X, July 23, 1980 (45 FR 53382).

Appendix C—Description of Terms Used in the Transportation-Air Qualifty SIP Development Processs

Adopted Measures

A transportation measure, program, or policy that state and local planning and implementing agencies and governments have agreed to include in the official SIP submission.

Planning Process

The process defined in the September 17, 1975 Federal Highway Administration (FHWA)–Urban Mass Transportation Administration (UMTA) regulations, the June 1978 EPA–DOT Transportation-Air Quality Planning Guidelines, and the May 1, 1980 EPA–DOT Expanded Public Participation Guidelines. Through this process transportation measures are introduced, evaluated, placed in the Transportation Systems Management (TSM) or long range element of the urban transportation plan, and advanced to the Transportation Improvement Program (TIP) and the annual element of the TIP.

Programming Process

The process by which transportation measures are advanced from the annual element of the TIP to the capital programs and budgets of implementing agencies and then to funding by state and local

governments, FHWA (through the statewide 105 program), or UMTA (through the section 3 and 5 programs).

Expeditious Attainment Date

The attainment date approved in the 1979 SIP submission. This date may be modified if the analysis of alternatives done as part of the development of the 1982 SIP submittal shows that an earlier date is possible through expeditious implementation of all reasonably available control measures or that a later date is necessary because the approved attainment date cannot be achieved.

Reasonably Available Transportation Measures

A measure that has been determined to be beneficial to air quality and which will not result in substantial and long-term adverse impacts. These measures need to be adopted by the affected state and local officials participating in the planning and programming processes. The process of determining reasonably available transportation measures is analytical, participatory, and negotiatory, and involves the public, as well as local, state, and federal agencies and officials. The analytic part of the process includes determinations of technical and economic feasibility.

Expeditious Implementation of Reasonably Available Transportation Measures

Implementation by the earliest possible date considering:

1. The minimum time required to advance the measure through planning and programming processes.
2. The minimum time required to obtain implementation commitments.
3. The minimum time required to construct (if needed) and begin operation of the measures.

Implementation Commitments

Certification by those federal, state, and local agencies with the ability to implement SIP projects, that: (1) funds to implement the measure are obligated; and (2) that all necessary approvals have been obtained. Identification by the implementing agency of a date for start of construction (if appropriate) and a date for start of operation.

Alternatively, the implementation commitment may include a schedule that identifies all responsible agencies and all steps required to advance the measure through the planning and programming processes; obligate all federal, state, and local funds; and obtain all approvals. The implementing agency must identify a date for start of construction (if appropriate) and a date for start of operation.

See pages 5 to 8 of "Checklist for Review of Transportation Component of 1979 SIP Submission" for further details.

Justification for Not Adopting a Section 108(f) Measure

Justification should include:

1. Documentation of air quality, health, welfare, economic, energy, social and mobility effects of the measure,
2. Determination that the adverse effects of the measure will be substantial, widespread, and long-term,
3. Determination that the measure is not reasonably available,
4. Demonstration that the air quality standards can be expeditiously attained without the measure.

Monitoring Plan

A monitoring plan provides for periodic assessments of whether and why or why not SIP transportation measures are achieving their projected emission reductions. The monitoring plan should include: (1) transportation system performance indicators that will be used to evaluate measures (e.g., regional vehicle miles of travel, regional trip rates, transit ridership, auto occupancy, traffic speeds and volumes on selected links), (2) the frequency of assessments, (3) an identification of transportation monitoring data, (4) an identification of transportation monitoring methods, and (5) a description of how monitoring data and methods will be used to assess achievement of projected SIP transportation measures and to make decisions on contingency measures.

Contingency Plan

A contingency plan of activities provides for (1) the accelerated implementation of additional measures beneficial to air quality and/or (2) the delay of projects with negative air quality impacts in the event that expected emission reductions or air quality improvements do not occur. The contingency plan should identify: (1) contingency measures to be analyzed, (2) analytical and programming activities to be carried out before and after a decision to implement a contingency measure, (3) criteria for deciding to implement contingency measures, and/or to delay projects, and (4) commitments to carry out contingency planning activities by appropriate agencies. Preparation of this contingency plan is necessary to carry out the June 1980 EPA–DOT Procedures for Conformance, developed to implement section 176(c) of the Clean Air Act.

Appendix D—Summary of Minimum Level III Data Requirements for 1982 Ozone Modeling Submittals

A. Emission Data Requirements

1. *Spatial Resolution.* County-wide emission inventories for VOCs and nitrogen oxides (NO_x) are needed for a Level III analysis.

2. *Temporal Resolution.* Seasonally adjusted annual emission estimates are required as part of the Level III data submittal. Preparation of these estimates is described in the draft guideline, *Emission Inventory Requirements for the 1982 Ozone SIPs.*

3. *VOC Categories.* Classification into reactive species of VOCs is not required for a Level III analysis.

4. *Source Category Delineation.* It is necessary to separate the emissions estimates according to major source categories such as is described in the draft guideline, *Emission Inventory Requirements for the 1982 Ozone SIPs.* This disaggregation of estimates is useful for making projections of future aggregated emissions.

B. Air Quality Data Requirements

1. *Ozone Monitors.* (3 sites). Ozone monitors should be located at (a) one upwind site, (b) one downwind site at the edge of the urbanized area, and (c) one downwind site approximately 15–40 kilometers from the urbanized area.

2. *THC/CH_4 NO_x Monitors* (1 site required, 2 sites desirable). Guidance presented in EPA–450/4–80–011, *Guidance for the Collection of Ambient NMOC Data for Use in 1982 Ozone SIP Development, and Network Design and Siting Criteria for the NMOC and NO_x Monitors,* should be followed.

3. *Upwind Precursor Data.* Optional air quality data for Level III are measurements of ambient NO_x and THC/CH_4 at one site upwind of an urbanized area. These data are generally unnecessary and are needed only for unusual cases when it is desirable to take explicit account of transported precursors in the analysis. Most studies have indicated that transported ozone is of greater significance than transported precursors in contributing to urban problems. Because of the lack of precision associated with nonmethane hydrocarbon (NMHC) estimates from continuous THC/CH_4 monitors at low concentrations, use of these instruments at upwind sites is not recommended. It is preferable to collect a limited number of grab samples, analyze these chromatographically, and sum species to estimate upwind NMHC. Guidance presented in EPA–450/4–80–008, *Guidance for the Collection and Use of Ambient Hydrocarbon Species Data in the Development of Ozone Control Strategies,* should be followed. Continuous measurement of NO/NO_x is appropriate.

C. Meteorological Data Requirements

1. *Upper Air and Surface Temperature Data.* Estimates of the morning (8:00 a.m.) and maximum afternoon mixing heights are required. Preferably, estimates should be obtained using the nearest National Weather Service radiosonde data (if available) in conjunction with hourly urban surface temperature data. If radiosonde data are not available, morning and afternoon mixing heights can be estimated using AP–101, "Mixing Heights, Wind Speeds and Potential for Urban Air Pollution Throughout the Contiguous United States."

2. *Surface Wind Data.* Surface wind data at two sites (one site located in an area of high precursor emissions and another outside the urban core) are required. The wind data are used to help ensure that the recorded design value is measured downwind of the city.

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Part VII

Civil Aeronautics Board

Filing of Tariffs and Payment of Commissions to Air Freight Forwarders and Foreign Air Freight Forwarders; Proposed Rulemaking; Granting and Denial of Section 403 Exemptions

CIVIL AERONAUTICS BOARD

14 CFR Parts 221, 296, and 297

[Economic Regulations Docket 38746; EDR 408]

Filing of Tariffs and Payment of Commissions to Air Freight Forwarders and Foreign Air Freight Forwarders

Dated: September 24, 1980.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to allow airlines to file tariffs that state prices as maximum amounts instead of exact amounts, so that any price up to the maximum could be charged. The CAB also proposes to allow the payment of commissions to air freight forwarders and foreign air freight forwarders. The proposal is prompted by exemption requests from several airlines.

DATES: Comments by: October 30, 1980.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: October 10, 1980.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38746, 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: Mark S. Kahan, Assistant Director, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5371.

SUPPLEMENTARY INFORMATION:

Introduction

Airlines are currently required by section 403(a) of the Federal Aviation Act to file tariffs with the Board that state their passenger fares, international cargo rates, and associated charges. Under section 403(b), it is unlawful to charge a purchaser of air transportation any amount other than that stated in the applicable tariff. The prohibition applies not only to overcharges but also to undercharges, which may take various forms, including rebates. Thus, for example, an agent must not share its commission with a passenger or shipper. And because the Board has considered air freight forwarders to the shippers, section 403(b) prohibits the payment of commissions to them. That prohibition is also reflected in the Board's rule at 14 CFR 296.32, which provides that

> No air freight forwarder, acting in that capacity, shall accept directly or indirectly any payment of a commission on traffic tendered to a direct carrier or its agents.

A corresponding provision for foreign air freight forwarders appears in 14 CFR 297.32.

This notice proposes a rule that would exempt airlines from section 403 to the extent necessary to file tariffs that state fares, rates, or charges as maximum amounts instead of exact amount.[1] Overcharges would still be prohibited, but any price up to the maximum stated in the tariff could be charged. The rebating prohibition described above in §§ 296.32 and 297.32 would also be revoked. Order 80–9–147, also issued today, grants several exemptions for the period while this rulemaking is in progress and denies another.

We regard the proposed "maximum tariff" scheme as an experiment. If we detected consumer problems or difficulties in carrying out our statutory mandate that outweighed its benefits, we would proceed to end the experiment.

Background

By application filed May 9, 1980, in Docket 38157, Pan American World Airways requested an exemption from section 403 of the Act to permit it to accept tickets issued by other airlines at the fares of such other airlines, between points in the U.S. and Southeast Asia. The authority was sought for a period of 1 year.

Essentially, Pan American asked for authority to accept tickets lawfully issued by competitive airlines at fares that it does not itself have on file. It also asked that such authority be extended to all other airlines. Braniff Airways applied for a similar exemption on May 29 in Docket 38242, and a number of other airlines have since asked that any such relief be extended to them.

By application filed June 6, 1980, in Docket 38284, Northwest Airlines requested an exemption from the requirements of sections 403, 404, and 411 of the Act, and from 14 CFR Parts 221 and 253,[2] to the extent that these provisions make it unlawful for it to provide foreign air transportation of persons and property over a transpacific routing at prices that are lower or under conditions that are different than those stated in its tariffs. It asserted that, with the potential demise of existing injunctions,[3] an increase in selective price-cutting through rebating is likely. Northwest fears having to choose between observance of the law and diversion of traffic to competitors who are prepared, it alleged, to break the law. In the alternative, it asked that we permit international fares and rates tariffs to be set forth as maxima only, so that price-cutting to meet competition can take place without implicating the anti-rebating provisions of the Act. The exemption request is set forth broadly, but is contingent upon dissolution of the injunction. The Flying Tiger Line filed an answer to Northwest's request. While agreeing with Northwest on the likelihood of renewed rebating should the injunctions be terminated, it urged us to deny the request in favor of the total elimination of international cargo tariff filing requirements.

By application filed June 10, 1980, in Docket 38298, Trans World Airlines asked for an exemption from section 403(b) of the Act to permit it to pay commissions to cargo sales agents on consolidated shipments initiated by air freight forwarders. It considered an exemption or similar relief necessary because in certain transactions a commission to an agent could be considered as amounting to a prohibited commission to a forwarder. Alternatively, TWA asked for a blanket exemption to allow the direct payment of commissions to forwarders. The exemption was sought in connection with foreign air transportation only. Noting the express prohibition in § 296.32 of commissions for forwarders,[4]

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[1] This result could arguably be achieved by interpretation of the existing statutory requirements, although it would be a departure from past practice. Since such an approach woud involve legal uncertainties, we have chosen to proceed by exemption, which is more certainly within the Board's power.

[2] Part 253 has since revoked. ER–1187; 45 FR 48599; July 21, 1980.

[3] During the mid-1970's, the Board and the Department of Justice sought vigorous enforcement of the anti-rebating provisions of the Act, following allegations of widespread violations by some carriers and agents. Such activity in the Pacific entity was enjoined in *U.S.* v. *Air New Zealand*, No. C–76–0320 (Final Judgment and Decree issued in the United States District Court, Northern District of California, March 29, 1976). This injunction expires March 29, 1981. A similar injunction covering Atlantic markets was issued in *U.S.* v. *Air France*, No. 75–C–1578 (Eastern District of New York, September 29, 1975), to expire September 29, 1980.

[4] We note that a literal reading of § 296.32 does not prohibit *payment* by the direct air carrier, *per se*, but only *acceptance* by the forwarder, directly or through an agent of the direct air carrier. The carriers obviously construe this, however, as prohibiting payment. To the substantial extent that the rule merely interprets the anti-rebating

Footnotes continued on next page

TWA asserted that U.S.-origin traffic remains subject to the ban. It argued that the prohibition is being circumvented by a number of practices, resulting in commissions being paid on virtually all forwarder-originated traffic. In some instances, forwarders use agents which are affiliated with them, and in other instances, forwarders who are also agents engage in reciprocal dealings by which one routes shipments through another—on paper only—and is repaid in kind. TWA expressed its inability to police such borderline practices, and in any event does not object to payment from an economic standpoint. In essence, it asked that we reverse our historic interpretation that commission payments to forwarders constitute rebating, or waive the prohibition.

Disposition of the Pleadings

We are addressing these applications in a single proceeding as they all deal with basic issues of anti-rebating policy and the conditions under which we will permit divergences from prices set forth in tariffs. The pleadings and answers in the various dockets are set forth in greater detail in the Appendix to Order 80–9– , issued along with this notice.

Upon consideration of these applications, we have tentatively decided to allow maximum tariffs as suggested by Northwest. This approach should best promote competition and resolve the uncertainties about both commissions for air freight shipments and the upcoming expiration of the anti-rebating injunctions. Because this approach would work a fundamental change in the tariff system, we have decided to obtain public comments through this rulemaking proceeding before taking final action. As a technical matter, therefore, Northwest's exemption application is being denied in the accompanying order. Northwest applied for an exemption only in Pacific markets, where the injunction does not expire until March 29, 1981. Final action in this rulemaking should come soon enough that, if the rule is adopted as proposed, Northwest will have the full relief that it requested.

There are obvious benefits in permitting airlines to meet their competitors' fares and rates. We are also aware of the competitive inhibitions that may flow from the present tariff system—indeed, from any posted price system—and the higher retail prices such a system may produce. To the extent that current tariff arrangements are not meeting the needs of the marketplace, we have an obligation to act consistently with our statutory policy goals. For these reasons, as well as the fact that the issues presented are much narrower than in Northwest's application, we are granting Pan American's and TWA's exemption requests, pending the outcome of this proceeding. The grant also appears in Order 80–9–147.

On the other hand, we reject Flying Tiger's suggestion that cargo tarriffs of direct air carriers be totally eliminated in foreign air transportation. Domestic cargo tariffs of direct air carriers are no longer filed with us (ER–1080; 43 FR 53628; November 16, 1978) and domestic passenger tariffs are scheduled to sunset after December 31, 1982. Indirect air carriers (forwarders) were previously exempted from filing both domestic and international cargo tariffs (ER–1094; 44 FR 6634; January 31, 1979). However, we are not at this time prepared to consider abandoning tariffs in foreign air transportation. The existing international aviation system, which is by no means fully competitive, could not function without even more fundamental changes, since tariffs or their functional equivalent are the means specified in bilateral aviation agreements by which prices are changed and governments exercise their supervisory powers.

The Proposal

The rule that we propose would add a new § 221.3(e) to Part 221, to establish an exemption from section 403 of the Act and from the rest of Part 221. Air carriers and foreign air carriers would be exempted to the extent necessary to file, at their option, tariffs that state fares, rates, or charges as maximum amounts instead of exact amounts. To make sure that agents and customers would be aware of the possibility of discounts and not be misled about the meaning of the amounts stated in the tariffs, each price that a carrier intended as a maximum amount would have to be clearly designated as a maximum. The designation would have to appear on the same tariff page as the price itself. Carriers could then charge any amount up to the maximum stated in the tariff without being considered in violation of the tariff observance requirements of section 403(b) of the Act and § 221.3(b) of the Board's rules. The charging of a greater amount, however, would continue to be a violation of those provisions.

Since the maximum tariff scheme could be used in all situations where direct carrier tariffs are still being filed, the proposed exemption would apply to domestic passenger tariffs and foreign tariffs for both passenger and cargo transportation. The need may be more compelling for foreign air transportation, however, because the pressures to rebate appear to be greater there. (Under current domestic tariff policy, airlines may generally change prices on one day's notice already.) We therefore propose in the alternative to allow maximum tariffs for foreign air transportation even if we choose not to allow them domestically.

The proposed rule does not include the other exemptions that Northwest suggested, from section 404(b) concerning unjust discrimination and section 411 concerning unfair and deceptive practices. Exemptions from these sections, which touch the core of our regulatory jurisdiction, are properly meted out only sparingly. We recognize that the carrier applications are defensive in nature, and are not intended to imply any desire to engage in such practices. Nonetheless, the uncertainties raised by the lapse of the anti-rebating injunctions do not require carriers to discriminate unjustly or engage in deceptive practices. Moreover, no justification for such far-reaching relief appears, since the carriers' legitimate objectives can be met entirely through the less drastic means of an exemption from section 403. While selective price cutting might give rise to accusations of unjust discrimination as prohibited by section 404(b), our recent policy statement on price discrimination makes it clear that strict standards must be met before the Board will consider such behavior unlawful. (PS–93; 45 FR 36058 May 29, 1980). That policy statement by its terms applies only to domestic transportation. We noted when announcing it, however, that in light of the passage of the International Air Transportation Competition Act, many of the same policy considerations are equally applicable to foreign air transportation. Selective price cutting is discussed further in Order 80–7–63, dismissing complaints against discount fares for government employees.

The proposed rule would also revoke the ban on freight forwarder commissions that appears in §§ 296.32 and 297.32. Because these provisions are based upon rebating concepts, they would be inapplicable to situations where commissions were paid for traffic moving under maximum tariffs. If a carrier chose not to file a maximum tariff, however, the commission would continue to be prohibited by section 403, and a restatement of the prohibition in the freight forwarder rules would be unnecessary.

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provisions of section 403 of the Act, the distinction between payment and acceptance is, of course, immaterial.

Reporting Requirements

In addition to being the mechanism for government approval and disapproval of airlines' prices, the tariff system has served several other important functions. It has been the vehicle for airlines to communicate their prices to agents. It has also enabled the Board to monitor these prices. Under a maximum tariff regime, airlines might choose to continue tariffs as the primary means of establishing prices and develop a supplementary system for indicating when to discount from the tariff amounts. However, an airline could instead choose to cut its filing burdens by filing maximum prices at the highest levels allowed by the Board with no regard for the prices it would actually charge, and develop an alternative means of communicating with agents. In this event the filed tariffs would be useless for the Board's monitoring of airline pricing, a function that continues for several more years.

We might be able to continue adequate oversight of passenger fares, at least those of U.S. airlines, through the Origin and Destination (O&D) survey. Under this survey, each U.S. certificated airline transmits to the Board information, including dollar amounts, from every tenth ticket that it sells for domestic or foreign passenger transportation. The quarterly nature of this information and the lag in filing it, however, tend to diminish the value of the survey. In any event, the O & D survey does not cover the passenger fares of foreign airlines or the international cargo rates of any airlines. Information about actual prices might therefore be necessary to supplement tariff filings. Although the text of the proposed rule includes no reporting requirement, we propose in the alternative to condition the authority to file maximum tariffs on the filing of reports, after the fact, of actual prices charged. We especially invite comments on this subject, including whether the O&D survey is adequate and how to fashion reports for air transportation not covered by the survey.

We are allowing 30 days for public comments on this proposal. In view of the imminent expiration of the Atlantic anti-rebating injunction and the need to clarify the legal status of payments to air freight forwarders, we find that the public benefits from expedited consideration outweigh any adverse effects of a comment period shorter than 60 days.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Parts 221, *Tariffs*, 296, *Air Freight Forwarders and Cooperative Shippers Associations*, and 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations*, as follows:

1. In Part 221, § 221.3 would be amended by inserting "or (e)" in paragraph (a) and adding a new paragraph (e), to read:

§ 221.3 Carrier's duty.

(a) *Must file tariffs.* Except as set forth in paragraph (d) or (e) of this section, * * *

* * * * *

(e) *Exemption for maximum tariffs.* Air carriers and foreign air carriers are exempted from the requirements of section 403 (a) and (b) of the Act and the other provisions of this part to the extent necessary to file and observe tariffs that state fares, rates, or charges as maximum instead of fixed amounts. Each rate, fare, or charge that is intended as a maximum amount shall be clearly so designated on the tariff page on which it is filed. Carriers and ticket agents shall not charge, demand, collect, or receive greater compensation for air transportation or any service in connection with it than the maximum amount stated in such a tariff, and section 403(b) of the Act and paragraph (b) of this section remain in full effect in this respect.

§ 296.32 [Revoked]

2. In Part 296, § 296.32, *Prohibition against receipt of commissions*, would be revoked.

§ 297.32 [Revoked]

3. In Part 297, § 297.32, *Prohibition against receipt of commissions*, would be revoked.

(Secs. 204, 403, 404, 416, and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, 771, and 788, as amended, 49 U.S.C. 1324, 1373, 1374, 1386, and 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-30283 Filed 9-29-80; 8:45 am]

BILLING CODE 6320-01-M

CIVIL AERONAUTICS BOARD

[Order 80-9-147]

Pan American World Airways, Inc. et al.; Order Granting and Denying Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of September, 1980.

Applications of Pan American World Airways, Inc., Braniff Airways, Incorporated, Singapore Airlines Limited, Japan Airlines Company, Ltd., Philippine Airlines, Inc., Korean Air Lines (Dockets 38157, 38242, 38308, 38309, 38447, 38554) for exemptions from section 403 of the Act to permit acceptance of tickets of other carriers at fares not on file; application of Northwest Airlines, Inc. (Docket 38284) for an exemption under section 416(b) of the Federal Aviation Act of 1958, as amended; application of Trans World Airlines, Inc. (Docket 38298) for an exemption pursuant to Section 416(b) of the Federal Aviation Act, as amended.

Pan American has applied for an exemption from section 403 of the Federal Aviation Act to allow it to accept tickets issued by other airlines at fares that it does not itself have on file with the Board. Several other air carriers have asked for the same exemption. Northwest applied for a broader exemption, so that it could provide air transportation at any price that is lower or under conditions that are different than those stated in its tariffs. In the alternative, it asked that we permit international fares and rates tariffs to be set forth as maxima only. TWA asked for exemptions from section 403 and 14 CFR 296.32 so that it could pay commissions directly to air freight forwarders.

The pleadings are set forth in detail in the Appendix. In EDR-408, issued along with this order, we are proposing an amendment of 14 CFR Part 221 to establish an exemption that would allow the filing of tariffs that state prices as maximum instead of exact amounts. For the reasons set forth in that notice, we are denying Northwest's exemption request and granting the others, pending final Board action in the rulemaking proceeding.

Accordingly,

1. The applications of Braniff Airways, Incorporated, Japan Airlines Company, Ltd., Korean Air Lines, Pan American World Airways, Inc., Philippine Airlines, Inc., and Singapore Airlines Limited, in Dockets 38242, 38309, 38554, 38157, 38447, and 38308 are granted, and all U.S. and foreign air carriers are exempted from section 403 of the Federal Aviation Act to the extent necessary to accept tickets of other carriers at published fares lower than their own published fares in transpacific markets, pending final Board action on EDR-408;

2. The application of Trans World Airlines, Inc., in Docket 38298 is granted, and all U.S. and foreign air carriers and air freight forwarders are exempted from section 403 of the Act and 14 CFR 296.32 and 297.32, to the extent necessary for carriers to pay and forwarders to receive, directly or indirectly, commissions for U.S.-origin cargo shipments in foreign air transportation, pending final Board action on EDR-408;

3. The application of Northwest Airlines, Inc., in Docket 38284 is denied; and

4. This order will be served on all U.S. and foreign direct air carriers and air freight forwarders.

This order will be published in the **Federal Register.**

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

All Members concurred.

Appendix A—Pleadings

TWA, Docket 38298

The Board has substantially liberalized its regulations for air freight forwarders and other indirect air cargo carriers, and these changes have significantly altered past practices with a major effect on the international air cargo market. One of the most important changes is the one that permits indirect air carriers to use direct air carrier sales agents, thus permitting direct air carriers to pay commissions on consolidated shipments.[1]

Since the adoption of these new rules, several U.S. air freight forwarders have begun to use carrier agents on their outbound international consolidations. Consequently, this practice could serve to inhibit payment of commissions otherwise consistent with the purport and intent of ER-1094, because of the possibility that a rebate, however indirect, could or might take place.[2] This concern stems from the prohibition that no forwarder, acting in that capacity, may accept, directly or indirectly, any payment of a commission on traffic tendered to a direct carrier or its agent.[3]

TWA has long advocated the payment of commissions on consolidated consignments to assure that U.S. forwarders are on an equal competitive footing with their foreign counterparts. While the prohibition on commissions remains on U.S.-originating shipments, it states that this practice is antithetical to inbound shipments to the United States. It further states that an exemption is necessary to assure that the flexibility permitted by ER-1094 is fully effectuated without unintentional limitations that could result from overly narrow interpretations concerning rebates.

Since the adoption of ER-1094, TWA's commission payments, as a percent of its international air freight revenues, have risen from approximately 3.4% in the third quarter of 1979 to a full 5.0% in the most recent three month period, which in the latter accounts for 100% of this traffic.

Some of the practices that have evolved since the issuance of ER-1094 are as follows:

(a) Forwarder A, who is the shipper and consignee, shows in the agency box on the airwaybill the agent of Forwarder B. Conversely, Forwarder B (as shipper and consignee) shows the agency services of Forwarder A.

(b) Forwarder C is a subsidiary of Corporation X. Corporation X also has another subsidiary, Agent A. Forwarder C shows Agent A on the airwaybill.

(c) Forwarder D owns a subsidiary, Company Y, which in turn owns a subsidiary, Agent B. Forwarder D shows Agent B in the agency box on international airwaybills.

(d) Forwarder E owns a subsidiary, Agent C, and shows Agent C as its agent on international airwaybill consolidations.

TWA states that agents in the above-described relationships are not prohibited from accepting commission payments and that forwarders and other carriers hold this view. It states if the prohibition against commissions was given a narrow interpretation it would leave it arms length and proper *bona fide* commission practices open to question as to whether they are, or are not, a prohibited rebate.

The carrier further contends that it cannot and should not be expected to investigate beyond the representations on the airwaybill and verification of proper agency accreditation to assure that such requests for commissions are proper, and that to require otherwise would disrupt the flow of international air cargo shipments.

TWA as an alternative suggests that an exemption be granted permitting payment of

[1] The Board stated in ER-1094: "Permitting indirect cargo carriers to use direct air carrier agents will give them greater flexibility where it is needed, similar to their authority to use other indirect carriers . . . forwarders may continue to operate as IATA (International Air Transport Association) cargo agents for the direct carrier on a shipment tendered by the shipper. . . ." (Page 4)

[2] TWA states it has received a request for payment of commissions from a forwarder who wishes to show himself as agent. With the exception of this request, TWA is of the belief that ER-1094 permits an agent to accept commissions on any other forwarder shipments.

[3] 14 CFR § 296.32. In permitting indirect cargo air carriers to use agents of direct air carriers, TWA states that the Board acknowledged that the prohibition against this use in the past was "based on the fear that air freight forwarders would set up dummy agencies to collect commissions . . . or . . . to split commissions, both of which are prohibited as a rebate" (ER-1094, page 3), and that, in PS-86, Docket 30362, the Board, in amending its policy statements to permit payments to forwarders and other shippers for "non-air transportation" services, admonished ". . . we remain of the opinion . . . that commissions are rebates of filed tariffs when paid to the user of the transportation, and do not fall into the category of payments authorized in this statement of policy." (Page 3)

commissions to forwarders on all U.S.-originating international shipments. In support, it states that the Board now permits negotiated payments for services performed by forwarders in making air cargo "ready for carriage" which are not considered rebates and are thus permissible under the Act.[4] It also states there is little difference between requiring the price paid by direct air carriers for such services to be determined by negotiation with respect to each service provided, and alternatively allowing a commission rate as a basis for compensating all services provided by the forwarder. Thus it concludes that all that remains is whether forwarder commissions on outbound shipments from the U.S. should retain the character of being "rebates".[5]

TWA states that its exemption request is consistent with the *International Air Transportation Competition Act of 1979* (P.L. 96–192), and it would be inconsistent for the Board to now impede compensation similar to that already commonplace on inbound shipments to the U.S. in the form of commission payments to U.S. forwarders.

This inconsistency, left over from long outdated historical treatment of forwarders as "purchasers" of air transportation, belies the true nature of the forwarder relationship with direct air carriers as one of joint-venturer in the promotion and development of air cargo transportation.[6]

Because of the increasing number of requests for commissions being received by TWA, it urges the Board to act expeditiously on this application. Therefore TWA requests that the Board grant, on an expedited basis, an exemption, pursuant to section 416(b) of the Act, to the extent necessary to permit the payment by it of commissions to cargo agents identified in the airwaybill, subject to verification of proper agency accreditation, on outbound international shipments under the circumstances set forth above, or, alternatively, that the Board grant a blanket exemption to the extent necessary to permit the direct payment of commissions to air freight forwarders on all U.S. outbound international air cargo shipments.

CF Air Freight (CF), Singapore Airlines Limited (SAL), Emery Air Freight, and the Air Freight Association of America (AFAA), support TWA's application. AFAA also suggests in the alternative that § 296.32 be repealed and that the Board issue a policy statement declaring the payment of commissions on consolidated shipments to be legal. CF also asks that the requested exemption apply to foreign-origin inbound consolidation traffic to the U.S., and SAL asks that the exemption include foreign air carriers. Fritz Air Freight, "K" Line Air Service (U.S.A.), Inc., Kintetsu World Express (U.S.A.), Inc., and Traffic International Corp. (Joint Forwarders) state in their comments that they have no problem with TWA's request, but question whether an exemption is needed for the reason that it would be preferable for the Board to declare that the anti-rebate provisions of the Act are not applicable to payments to intermediaries, whether cargo agent or forwarder.[7]

The Flying Tiger Line Inc. (FTL), in support of TWA's application states that the Board should separately consider the underlying question of whether its prohibition on the payment of commissions to forwarders for U.S. originating consolidations serves any meaningful purpose in an environment in which a number of consolidators are apparently circumventing the regulation. Like TWA, FTL, states that with the adoption of the new regulations came a sharp change in the practices of the forwarders, and many tenders which previously had been made to a direct air carrier have now shifted through cargo agents. The balance of FTL's comments essentially are the same as those of TWA.

Also, FTL believes that if the Board continues to adhere to the view that commissions to forwarders acting as consolidators constitute illegal rebates, that consideration must be given to enforcing the prohibition, since a regulation which is generally known to be unenforced is routinely ignored, and disadvantages those forwarders who attempt to comply. FTL states that several of their largest customers have voiced just such complaints and stressed the unfavorable economic consequences on their companies of not joining in the type of "sham" agency transactions which they assert to be prevalent.

Northwest, Docket 38284

Northwest states that this exemption is necessary to respond to competition from carriers which are likely to engage in rebating practices if the United States District Court for the Northern District of California dissolves a currently effective consent decree (Decree).[8] Accordingly, Northwest requests that the exemption sought becomes effective only in the event that the Court dissolves the Decree. Northwest also requests that the Board ask the Court to stay its decision pending the disposition of this application.

Northwest states that it is filing this exemption application with reluctance, but finds that there is no other way it can reasonably protect the economic viability of its transpacific operations. Currently, the Decree protects the integrity of the tariff-filing system in transpacific markets, and enjoins carriers from engaging in unlawful "rebating"—that is, the covert undercutting of posted rates, fares, charges, and practices. It says the Board is supporting legal efforts to bring about the dissolution of the Decree, at least in part, because it does not have sufficient resources to allocate to assisting the Court in enforcing the Decree, and that the same insufficiencies would of necessity severely restrict the Board's ability to enforce the Act's anti-rebating provisions administratively. In the absence of a credible deterrent in the form of vigorous Court or Board enforcement of the tariff-filing system, Northwest believes that market conditions in the Pacific will lead to the return of widespread, covert rebating practices. It also says the Board's actions in supporting the dissolution of the Decree and publicly announcing its enforcement strategy could be interpreted as condoning, or at least tolerating, some rebating practices as long as they lead to price reductions for consumers.

Northwest notes that it is prepared to compete with those carriers that may engage in rebating; however, it needs the legal authority to do so, otherwise it would be a criminal offense and would subject it to other federal laws which may require the disclosure of such illegal practices.

Northwest further notes it is filing its opposition to dissolution of the Decree with the Court. It continues to believe that meaningful enforcement of the anti-rebating provisions of the Act not only best serves the public interest, but is required by law. In the event that the Decree is dissolved, however, it says that the exemption it seeks is necessary to permit it, as a U.S.-flag carrier, to compete fairly while continuing to adhere faithfully to federal legal requirements.

The carrier requests the Board to consider permitting it to file tariffs containing list prices from which reductions or other departures would be permitted on an *ad hoc* basis, thus giving it the flexibility to negotiate reductions or changes in the practices set forth in its tariffs. This approach would establish ceilings and restrictions that Northwest could reduce and change as necessary to meet competition.

FTL filed comment supporting and opposing Northwest's views and request. While agreeing with Northwest as to the situation which will likely prevail in the event the Decree is terminated, it does not favor either the requested exemption to depart from published tariffs, or to revise tariffs to reflect maximum rates only. Instead, it prefers to operate in a free market, without undue government regulation and advocates the total elimination of the current international cargo tariff filing requirement.

Pan Amercian, Docket 38157, et al

In support of its request, PA states that the Board is aware of the troublesome problems

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[4] 14 CFR § 399.86; PS–86, July 30, 1979.

[5] TWA states that the Board itself has announced unequivocally a relaxed policy on anti-rebate enforcement in numerous instances, reflecting its view that in a deregulated environment, including internationally, strict prohibition of rebates may be anti-competitive; for example, in Order 78–12–49, December 7, 1978, the Board of served that rebating "has diminished as an enforcement problem as the air transportation system has become more competitive" and exempted all U.S. and foreign air carriers from Section 403(b) to permit compensation or monetary adjustments to resolve consumer grievances that might otherwise be precluded by their tariffs; more recently, the Board asked the federal court to dissolve an injunction against fare and rate rebating in Transpacific markets (The Wall Street Journal, May 27, 1980, page 6); a similar injunction against North Atlantic rebating will be permitted to expire on September 28 of this year.

[6] TWA states that forwarders uniquely perform substantial services of material benefit to direct air carriers for which they are entitled to receive fair compensation; these benefits warranting remuneration, which include extensive air cargo sales and promotional efforts typically undertaken by forwarders, extend well beyond the limited "non-air transportation services" for which the Board now considers direct air carrier payments permissible (14 CFR § 399.86).

[7] The Joint Forwarders also raise a question and seek certain clarification with respect to TWA's example (a) see page 2, *supra*. By our action here, however, their question is moot.

[8] *U.S. v. Air New Zealand, Ltd. et al.*, No. C–76–0320 (N.D. Cal.) (final Judgment and Decree issued March 29, 1976). A copy of the Decree was attached as Appendix A to Northwest's application.

relating to fares in U.S.-Southeast Asia air transportation, not only with respect to rebating, but the wide array of fares, which vary from carrier to carrier and change frequently. All of this has caused confusion to the traveling public. It also states that this is further compounded by the fact that many carriers offer less than daily service to many of these points, and a change in day of travel can subject the passenger to an entirely different tariff; thus, if a person who has purchased a ticket on another airline wishes to utlize PA, he well may have to contend with these complexities and pay a "penalty" to do so. The carrier alleges that grant of the exemption would alleviate the confusion in the U.S.-Southeast Asia fares.

PA believes the requested exemption clearly is "consistent with the public interest" within the meaning of section 416(b)(1) of the Act. Additionally, it states that the exemption should benefit it, because it will allow it to attract some additional passengers.

PA notes this experiment will be limited in extent because an "endorsement" by the carrier whose ticket is used will be required, and the number of passengers which it will carry in this fashion is naturally circumscribed. This experiment, moreover, is proposed in the spirit of the Board's recent encouragement of carrier initiative in fashioning appropriate fares, based on market place considerations, for scheduled services. Thus it states it is making every effort to compete vigorously by offering appropriate fares and by increasing its scheduled service utilization where possible.

In addition to supporting Pan American's request, Braniff also requests that it be granted the same authority. While BN's transpacific operations, which serve Seoul and Hong Kong, are not as extensive as PA's BN states that its legal position is identical in all material respects to PA's, and views PA's petition in Docket 38157 as a request that the Board authorize a new form of competition in transpacific markets. Clearly, accordingly to BN, the rules must be the same for all carriers in the marketplace.

For these reasons, BN requests an exemption to permit it to accept, for transportation between points in the United States and Guam, on the one hand, and BN's authorized points in Asia, on the other, airline tickets of other carriers at fares lower than BN's filed fares, without collecting additional sums of money from the passengers affected.

Japan Air Lines Company, Ltd., Philippine Airlines, Inc., and Singapore Airlines Limited, by applications filed June 11, 1980, ask that whatever grant is given to BN and PA should likewise be given to them. By application filed August 4, 1980, Korean Air Lines joins the foregoing.

[FR Doc. 30284 Filed 9-29-80; 8:45 am]
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federal register

Tuesday
September 30, 1980

Part VIII

Department of Labor

Occupational Safety and Health Administration

Occupational Exposure to Cotton Dust; Unannounced Inspections of Agency Workplaces

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Exposure to Cotton Dust

AGENCY: Occupational Safety and Health Adminstration (OSHA), Labor.

ACTION: Temporary administrative stay of certain provisions of the respiratory protection requirements.

SUMMARY: This notice administratively stays the respirator provisions in 29 CFR 1910.1043(f)(1) (i) and (iii) for a period of 75 days. This action is deemed necessary because of apparent widespread misunderstanding in the textile industry about how an effective respirator program should be implemented and monitored. Such confusion, which is leading to overly burdensome requirements in some instances and under protection in others, could have a damaging effect on the overall implementation of the standard. During the stay, OSHA intends to meet with representatives of industry, labor and NIOSH to develop guidelines for implementing effective respirator programs in the textile industry.

DATES: The requirements of 29 CFR 1910.1043(f)(1)(i) and (iii) will be stayed until December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Bailus Walker, Occupational Safety and Health Administration, Room N–3718, U.S. Department of Labor, Washington, D.C. 20210, (202) 523–7076.

SUPPLEMENTARY INFORMATION: OSHA issued a final occupational safety and health standard for occupational exposure to cotton dust on June 19, 1978 (codified at 29 CFR 1910.1043); published at 43 FR 27350–399, June 23, 1978. The standard applied to textile manufacturing and non-textile industries. (A separate standard was issued to regulate exposure to cotton dust in cotton gins. 29 CFR 1910.1046 and 1928.113; 43 FR 27434, June 23, 1978).) Petitions for review of the standard were consolidated in the U.S. Court of Appeals for the District of Columbia Circuit and a stay of the standard pending judicial review was issued on October 20, 1978. Petitions filed by representatives of the cotton waste processing industries and purchasers and users of cotton batting were severed from the main action on November 1, 1978. No decision respecting these industries has been issued as of this time. On October 24, 1979, the D.C. Circuit affirmed the standard in the main action except as applied to cotton seed oil mills. It subsequently denied petitions for rehearing, suggestions for rehearing en banc, and motions to continue the stay (except for cottonseed oil mills), and the standard became effective and enforceable on March 27, 1980. See 45 FR 12416, February 26, 1980. Thereafter, the Department suspended enforcement of the standard in the classing and warehousing industries for further consideration in light of the Supreme Court's ruling in *Industrial Union Department, AFL–CIO* v. *American Petroleum Institute.* (Nos. 78–911 and 78–1036). See 45 FR 50328, July 29, 1980.

Under the current timetable for implementation of the requirements of the standard, employers are required to complete initial monitoring of covered facilities by September 29, 1980. Accordingly, on that date, the provisions of the standard for respirator usage will become effective as to all employers covered by the standard. These respirator provisions (29 CFR 1910.1043(f)) require repirator use (i) during the time periods necessary to install or implement feasible engineering controls and work practice controls; (ii) during maintenance and repair activities in which engineering and work practice controls are not feasible; (iii) in work situations where feasible engineering controls are not yet sufficient to reduce exposure to or below the permissible exposure limit; (iv) in so-called "blow-down" operations; and (v) whenever an eployee requests a respirator. Many employers have implemented these provisions, having already completed their initial monitoring. Implementation of the respirator provisions has, however, not been successful in many cases. It has recently come to the agency's attention that there is fairly widespread misunderstanding throughout the textile industry about how an effective respirator program should be implemented and monitored. As a result, some employers are burdening workers with requirements that may not be necessary under the standard, while others may not be fully protecting workers against the dangers of cotton dust. The agency believes this situation to be a serious one which could have an overall damaging effect on implementation of the entire standard. To help correct this situation, the agency intends, as soon as possible, to meet with representatives of the cotton textile industry, workers and their unions, and the National Institute for Occupational Safety and Health to develop guidelines for proper use of, and training in the use of, respirators. Until such guidelines are developed, however, the agency believes it would be counterproductive to require employers to implement those portions of the standard requiring prolonged respirator use-i.e. during the time periods necessary to install or implement feasible engineering controls and work practice controls and in work situations where feasible engineering and work practive controls are not yet sufficient to reduce exposure to or below the permissible exposure limit. 29 CFR 1910.1043(f)(1)(i) and (iii). In there situations employees may be wearing respirators for prolonged periods, a condition under which the adverse effects of an inadequate respirator program would be most greatly evident. Accordingly, 29 CFR 1910.1043(f)(1) (i) and (iii) are hereby stayed for a period of 75 days.

On the other hand, during maintenance and repair activities and during "blow-down" operations, exposure levels are frequently extremely hazardous and respirator wear is less likely to be prolonged.

The agency thus believes that the provisions requiring the use of respirators in these two situations, and whenever an employer requests a respirator, should remain in effect.

Further, it is important to note that the standard already contains some specific provisions dealing with respirator selection, a respirator program and respirator usage. 29 CFR 1910.1043(f) (2) (3) and (4). These provisions remain unaffected by this administrative action. Thus, in either the circumstances where the requirements for respirator use are not stayed, i.e., 29 CFR 1910.1043(f)(1) (ii), (iv) and (v), or where otherwise an employer determines to initiate respirator use, he is obliged to comply with the provisions of 29 CFR 1910.1043(f) (2), (3) and (4).

This notice was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, Frances Perkins Labor Department Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

(Secs. 6, 8, 84 Stat. 1593–96, 1599, (29 U.S.C. 655, 657); Secretary of Labor's Order 8–76 (41 FR 25059); (29 CFR 1911))

Signed at Washington, D.C., this 29th day of September, 1980.

Eula Bingham,

Assistant Secretary of labor.

[FR Doc. 80–30515 Filed 9–29–80; 10:05 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1960

Occupational Safety and Health Programs; Unannounced Inspections of Agency Workplaces

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule.

SUMMARY: The Secretary of Labor is postponing the conducting of unannounced inspections of agency workplaces, except in the case imminent danger, until the revised Part 1960 is issued. The complexity of Part 1960, which will provide new program elements to implement the Executive order, made a timely issuance not possible. The additional fifteen days granted by this notice should allow the Secretary to complete the issuance of Part 1960.

DATES: Implementation of Section 1–401(i) of Executive Order 12196 will be postponed to no later than October 15, 1980.

FOR FURTHER INFORMATION CONTACT: John Hynan, Deputy Associate Solicitor, Division of Occupational Safety and Health, Room S4004, U.S. Department of Labor, Washington, D.C. 20210, (202) 523–7727.

SUPPLEMENTARY INFORMATION: Executive Order 12196, issued February 26, 1980, dealing with "Occupational Safety and Health Programs for Federal Employees," becomes effective October 1, 1980. Section 1–401(i) of that Order requires the Secretary of Labor, under certain circumstances set forth in that section, to conduct unannounced inspections of Federal agency workplaces. It was anticipated that the revision of 29 CFR Part 1960, designed to provide new basic program elements to carry out the provisions of the new Executive Order would be published in the **Federal Register** in their final form on October 1, 1980 to coincide with the effective date of the Executive Order. Because the short time available between the close of the comment period on the revised Part 1960 and the effective date of the Executive order has not allowed full consideration of the complex matters raised by commentors, it will not be possible to publish the new Part 1960 on October 1, 1980.

The purpose of this notice is to inform all interested persons that, except where the Secretary of Labor deems it necessary in the case of an imminent danger, the Secretary will not conduct unannounced inspections as provided in Section 1–401(i) of the Executive Order 12196 until the revised Part 1960 is issued and then in accordance with terms of the new Part.

The revised Part 1960 will be published in final form in the **Federal Register** as early as possible in the month of October and, in any event, no later than October 15, 1980.

This notice was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, Frances Perkins Labor Department Building, 3rd Street and Constitutional Avenue, NW., Washington, D.C. 20210.

(Sec. 19, 84 Stat. 1609; Secretary of Labor's Order 8–76 (41 FR 25059))

Signed at Washington, D.C., this 29th day of September, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80–30516 Filed 9–29–80; 10:05 am]

BILLING CODE 4510–26–M

federal register

Tuesday
September 30, 1980

Part IX

Environmental Protection Agency

Noise Emission Standards for Transportation Equipment for Interstate Rail Carriers

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 201

[FRL 1619-6]

Noise Emission Standards for Transportation Equipment Interstate Rail Carriers

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of availability of new data and advance notice of intent.

SUMMARY: This notice announces the availability of additional data and information upon which the Agency will base its final rulemaking for a facility noise emission standard and additional noise source standards for interstate rail carriers.

DATES: The closing date of the comment period is 4:30 p.m. November 14, 1980. Comments postmarked on that date, but not later than, will be accepted.

ADDRESS: Written comments should be submitted to: Director, Standards and Regulations Division (ANR-490) Attention: ONAC Docket No. 04-80 Interstate Rail Carriers, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Persons wishing to review further information and the new data upon which the final rulemaking will be based may do so at the EPA's Public Information Center, Lobby West Tower Gallery Number 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, between the hours of 8:00 a.m. and 4:00 p.m. until November 14, 1980.

Information and data located at the Center includes: noise measurement results, statistical analysis, railyard sampling information, typical maps and overlays, population data, railyard activity information and other relevant materials. Summary information on various aspects of the regulatory work are also available.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Rose, Standards and Regulations Division (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460, Phone (202) 557-7666.

SUPPLEMENTARY INFORMATION: Pursuant to Section 17 of the Noise Control Act of 1972, (42 U.S.C. 4916), the Environmental Protection Agency published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on Tuesday, April 17, 1979, 44 FR pages 22960-72, titled "Environmental Protection Agency [40 CFR Part 201] Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers" and corrections to that notice on Monday, April 30, 1979; 44 FR 25362-63. The NPRM established proposed standards for overall railroad facility and equipment noise, as well as specific proposed standards for retarders, refrigerator cars and car coupling operations. The subsequent notice of correction pertained primarily to an alternative microphone location schematic which was inadvertently left out of the proposed regulation.

As a result of previously submitted extensive and diverse public comments to the proposed regulation dealing with: (1) the stringency of regulatory levels for the proposed facility emission standard and specific equipment and operational sources of noise; (2) the technologies available for abatement and their cost; (3) the use of the descriptor L_{dn}; (4) the complexity and cost of the proposed measurement methodology and measurement equipment; and (5) the development of a typical railyard modeling approach to noise configurations and its validity, the Agency has undertaken further investigations and activities in an effort to be responsive to these comments, taking into account the time reasonably available for such consideration.

Specifically, the Agency has undertaken the development of additional facility and source specific noise measurement information and data. EPA has increased the railyard sample size in an effort to analyze railyards on a "real yard" basis as opposed to a "typical" yard, and has instituted modeling modifications to analyze better the noise sources and levels generated. Further, the Agency has explored other optional technologies for abatement and control, particularly barrier technology, the use of other descriptors particularly $L_{eq(1)}$, and the use of Type 1 and Type 2 sound level meters as an optional alternative to the integrating sound level meter.

EPA is considering the following changes from the proposal and invites comments on these changes and the new data and information which is being made available by this notice.

1. Use of the noise measurement descriptor $L_{eq(1)}$max in lieu of L_{dn} for measuring railyard facility emission noise levels. Measurements the Agency has made in railyards indicate a high correlation between $L_{eq(1)}$max and L_{dn} when L_{dn} is measured for a 24-hour period. The analysis indicates that $L_{eq(1)}$max is therefore a good estimate for L_{dn} for the purpose of computing the health and welfare benefits. Correction factors are determined where the yard is not active for the full 24 hour period. See paragraph 4 below.

2. Noise measurement methodology provisions to allow the use of the Precision Type 1 or (S1A) and General Purpose Type 2 (S2A) sound level meter as an optional alternative to the integrating sound level meter.

In view of the difficulties expressed by public comments associated with measuring railyard noise using an integrating sound level meter the Agency has devised a measurement procedure for this regulation using either the Type 1 or Type 2 sound level meter, or integrating sound level meter, whichever is selected by the user.

3. Regulatory stringency levels of 60 and/or 65 dB for a facility emission standard. The agency upon review of all available railyard noise data, including data made available by this notice, the technology available to abate and its cost (see paragraph 5, below), has determined that a more stringent facility emission standard may likely reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance.

4. Allowance for the daytime (7:00 a.m. to 10:00 p.m. $L_{eq(1)}$max facility standard for railyards which are not fully active. A review of railyard noise measurement data indicates that in cases where the duration of railyard activity is low, a relaxation in the stringency of the facility emission standard is warranted during the daytime hours. The less stringent standard would apply only to the facility standard and would apply only during daytime hours. The allowances under consideration are as follows: 4 hours or less activity, +10dB; 4-12 hours activity, +15 dB; above 12 hours activity —no relaxation of facility standard.

5. Use of barrier technology as an effective railyard noise abatement and control technique.

The Agency has explored extensively the use of noise barriers between a railyard facility and receiving property as a technology to abate many of the highly random sounds. EPA has found that meaningful noise reduction can result from this type of technology application and at the same time provide flexibility to the railyard in determining cost and technology tradeoffs with the reduction of noise levels in order to meet individual source or facility emission levels. Barriers used to abate noise from one source are likely to reduce noise from other railyard sources as well.

6. Issuance of additional source specific emission standards for such sources as working and parked locomotives within railyards, parked cars with mechanical refrigeration units,

and trailer on flat car/container on flat car facilities (TOFC/COFC).

The Agency has identified, within its previously issued list of major noise sources as indicated in the proposed regulation, those sources which most readily lend themselves to effective source treatments. They include all working and parked locomotives, parked cars with mechanical refrigeration, and the TOFC/COFC facilities. Alternative technologies are available for abatement of the sources including: barriers, exhaust muffling and cooling fan treatment, engine shutdown, auxiliary electric power for refrigeration or heating of locomotive engines, relocation of parked locomotives and cars with mechanical refrigeration, as appropriate.

7. Use of the measurement descriptor $L_{eq(1)}$max hour for measuring specific railyard noise sources from working or parked locomotives, cars with mechanical refrigeration, and trailer on flat car/container on flat car facilities.

The $L_{eq(1)}$max measurement for these source standards are implicitly derived by methods which are consistent with the approach taken in the January 4, 1980 Final Source Standards rulemaking issued by the Agency. See 45 FR 1252–71.

8. Applicability of the facility emission standard to commercial residential land uses only.

The Agency is considering applying the final facility emission and additional source standards to only residential and commercial land uses. Other land uses surrounding railyards may receive protection as a result of noise abatement technology applied to reduce exposure levels on the commercial and residential land use areas.

9. Provision for a Non-Degradation Clause.

The Agency is concerned over situations in which railyards would be allowed to become noisier and still be in compliance with the final facility emission standard. Currently, there are many yards with noise levels considerably less than those the Agency has under regulatory consideration. Many public comments advocated the insertion of a non-degradation requirement in the rule.

Dated: September 24, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

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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 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
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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

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

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 COMMUNICATIONS COMMISSION

47427 7–15–80 / Providing for new Priority System for Restoration of Common Carrier Provided Intercity Private Line Service

[Originally published at 45 FR 32001, 5–15–80; corrected at 45 FR 49082, 7–23–80]

GENERAL SERVICES ADMINISTRATION

55721 8–21–80 / Small business concerns (for Government procurement); small purchase set-asides

List of Public Laws

Last Listing September 29, 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. 261 / Pub. L. 96–358 Agricultural Subterminal Facilities Act of 1980. (Sept. 25, 1980; 94 Stat. 1184) Price $1.

H.R. 6940 / Pub. L. 96–359 Infant Formula Act of 1980. (Sept. 26, 1980; 94 Stat. 1190) Price $1.



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