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Highlights

Briefings on How To Use the Federal Register—For details on the resumption of briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

64879 National Contingency Plan Executive Order

64913 Grant Programs—Civil Defense FEMA revises regulations governing program for financial contributions to States for State and local civil defense personnel and administrative expenses; effective 10-1-80

64936 Boards and Committees of Title II Programs CSA amends final rule to assist grantees with its implementation and deletes outdated material; effective 10-1-80

64894 Exports USDA/CCC sets forth terms and conditions of Export Credit Guarantee Program to provide protection to U.S. exporters against payment defaults by foreign banks; effective 9-25-80

65146 Federal Employees GSA issues temporary regulation that amends Federal Travel Regulations to increase per diem allowance and mileage reimbursement rate; effective 10-5-80; comments by 12-5-80 (Part V of this issue)

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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.

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64940 **Grantee Financial Management** CSA implements cost principles applicable to grants and contracts with State and local Governments, and is reprinting cost principles applicable to nonprofit organizations; effective 10–31–80

65042 **Medicare** HHS/Sec'y announces inpatient hospital deductible and coinsurance amounts for spells of illness beginning in 1981; effective 1–1–81

64926 **Grant Programs—Community Services** CSA provides an Index to its current policy statements and indicates which directives are in effect for grants made under specific authorities in the Economic Opportunities Act; effective 10–1–80

64881 **Foreign Trade** USDA/CCC sets forth terms and conditions of the Intermediate Credit Export Sales Program for Foreign Market Development Facilities; effective 9–30–80

64960 **Improving Government Regulations** Federal Mediation and Conciliation Service publishes semiannual agenda of regulations under review and development

65152 **National Defense** DOE publishes list of energy related militarily critical technologies; comments by 12–30–80 (Part VI of this issue)

64911 **Government Contracts** HHS/Sec'y amends its procurement regulations to add requirements intended to result in more effective pricing of contracts; effective 12–1–80

65170 **Energy** DOE/FERC amends regulations concerning incremental pricing to declare that exemptions be granted only in the case of special hardship or inequity; effective 9–23–80; requests for hearing by 10–3–80 (Part VII of this issue)

65089 **Secondary Education** NASA announces a student competition to develop experimental concepts suitable for flight aboard the Space Shuttle; student proposals by 2–2–81

65106 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Executive Order 12241 of September 29, 1980

National Contingency Plan

By the authority vested in me as President of the United States of America under Section 304 of Public Law 96–295 (94 Stat. 790) and Section 301 of Title 3 of the United States Code, and in order to provide for the publication of a plan to protect the public health and safety in case of accidents at nuclear power facilities, it is hereby ordered as follows:

1–101. The functions vested in the President by Section 304 of Public Law 96–295 (94 Stat. 790) are delegated to the Director, Federal Emergency Management Agency.

1–102. A copy of the National Contingency Plan shall, from time to time, be published in the **Federal Register**.

Jimmy Carter

THE WHITE HOUSE,
September 29, 1980.

[FR Doc. 80-30731
Filed 9-30-80; 11:21 am]
Billing code 3195-01-M

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

Commodity Credit Corporation

7 CFR Part 1492

[GSM-301]

CCC Intermediate Credit Export Sales Program for Foreign Market Development Facilities

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Final rule.

SUMMARY: In accordance with Section 4(b) of the Food for Peace Act of 1966, as added by the Agricultural Trade Act of 1978 ("Section 4(b)"), this rule sets forth the terms and conditions of the Commodity Credit Corporation (CCC) Intermediate Credit Export Sales Program for Foreign Market Development Facilities (GSM-301). The rule authorizes CCC to enter into project agreements with U.S. or foreign private entities, or with foreign governments, under which CCC may finance the sale and export of U.S. agricultural commodities for periods in excess of three years but not more than ten years. The project agreement will authorize the use of the local currency generated from the import and sale of U.S. agricultural commodities in the importing country by the program participant to establish facilities in the importing country to improve the handling, marketing, processing, storage, or distribution of imported commodities.

Pursuant to a related commodity agreement, CCC will purchase the exporter's account receivable by paying the exporter the portion of the export value of the agricultural commodity for which CCC will provide financing.

GSM-301 is intended both to expand U.S. exports in order to create a more favorable balance of payments and to enhance farm income for United States producers by expanding future import opportunities in foreign countries for United States agricultural commodities.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: L. T. McElvain, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-3224.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant." Further, it is found upon good cause that compliance with the 30 day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest.

On August 6, 1980, there was published in the **Federal Register** (45 FR 52342), a notice of proposed rulemaking setting forth the proposed CCC Intermediate Credit Export Sales Program for Foreign Market Development Facilities (GSM-301) regulations. Written comments were received from 35 commentators. A general discussion of the comments follows:

A. *General Comments*—Responses were submitted principally by: farm organizations representing producers of wheat, feedgrains, rice, soybeans, tobacco, and breeding livestock; an organization representing independent renderers and brokers of animal fats and proteins; and respondents representing U.S. merchant marine interests. Comments were also received from: individual wheat farmers; the governor of a Mid-western state; machinery manufacturing companies; a contracting and engineering firm; and grain exporters.

One commentator, which represents 31,000 active breeder and producer dairymen, supported the proposal as published without qualification and recommended the program be implemented immediately upon closing of the comment period. A respondent that represents state wheat commissions and wheat grower associations stated that: "This program meets a very clearly-defined and often-expressed need, and is totally compatible with our potentials and plans for current and future export expansion efforts . . . we wish to reiterate our strongest possible support for this timely and much-needed mechanism to further strengthen America's commodity export market development program." An association which represents exporters of tobacco said: "We favor the proposed rule and feel that it will help expand the foreign market for U.S. agricultural products. It should be especially helpful in efforts to expand U.S. exports of agricultural commodities to developing countries."

An association that represents independent rice milling firms and farmer-owned cooperatives wrote: "The (Association) strongly endorses the implementation and immediate funding of the Intermediate Credit Sales program. GSM-301 will significantly contribute to the long-term growth of U.S. agricultural commodities by expanding export sales."

Another association that represents about 500 renderers and brokers of animal fats and proteins commented that: "Frequently, in carrying out market development activities overseas for animal fats and proteins, our Association has seen the development of an import market for U.S. tallow and grease restricted by the lack of port facilities, transportation, handling, etc. Therefore, this is a welcome proposal and we support it fully."

An organization that represents 57 agribusinesses, 14 farmer cooperatives as well as hundreds of thousands of farmers involved in the production and marketing of feed grains stated: "We support the earliest possible implementation of this part of the Agricultural Trade Act of 1978, and note with considerable disappointment that GSM-301 is not funded for Fiscal Year 1981." The organization also said: "Two decades of experience in market development have provided the organization an opportunity to become familiar with importing constraints of many of our good customers. Growth in international demand for U.S. agricultural commodities is a matter of public record, but infrastructural limitations of several country markets and potential markets are less well

known. A considerable number of countries do not now have sufficient handling, marketing, processing, storage, and distribution facilities to meet current demand for U.S. commodity imports."

A state farm bureau federation supporting the program said: "we believe that the adoption of the GSM-301 program will aid in establishment of installations necessary to accommodate agricultural exports to qualifying nations. In order for export sales to respond to foreign demand, it is imperative that the logistical problems associated with insufficient unloading, handling, storage and processing capabilities be avoided. The facilities constructed as a direct result of the adoption of this program will assure adequate movement of these products into markets with growing demands for U.S. products due to increases in population and it will aid the purchasing of U.S. agricultural products by these nations."

A respondent representing 410,000 individuals associated with the production processing and handling of soybeans said of the proposal: "We have carefully reviewed the proposed regulations and have no objections or suggested changes. Prompt implementation of the GSM-301 program is important to expanding exports of U.S. soybeans and soybean products to the many highly populated, but underdeveloped nations in Asia, Africa, and Latin America. While the potential demand for U.S. agricultural commodities is great in these underdeveloped nations, they do not have the needed infrastructure to facilitate greater usage of U.S. commodities. The GSM-301 program is instrumental in assisting the underdeveloped nations in building needed processing, handling and storage facilities."

A respondent which represents purebred beef breeding producers stated that: "These self-help programs should generate a continuing market for breeding stock . . . and make a significant impact on the beef industry. The provisions for receiving facilities, feed lots and processing are positive action toward that end."

Another respondent which specializes in the construction of storage and handling systems for agricultural products strongly encouraged the use of the GSM-301 program from a business and national image viewpoint.

Three state organizations that represent producers of wheat supported the proposed program and encouraged timely implementation of the program.

A wheat farmer in Colorado responded and added his "enthusiastic support" for the proposed GSM-301 program. He stated that "farmers need every assistance we can obtain" and USDA's "undertaking this program will be of great benefit to the wheat farmers."

One commentator stated that no provision was made in the plan as to how U.S. dollars would be generated to repay the financing made available by CCC. Under the program, the project participant is required to furnish a feasibility study for the proposed project showing the economic feasibility of the project. The study will also be used to measure the projected cash flow over the financing period to determine if the project will generate sufficient profits to operate the facility and repay the financing. Local currency generated through the operations of the facility will be converted to U.S. dollars and paid to CCC semi-annually. Sections 1492.6 and 1492.7 of GSM-301 adequately cover this point.

Several commentators took exception to the proposal in that the importing nation would not be required to buy U.S. exporters' products to establish these facilities. This comment is not a factual statement since the proposed regulation clearly requires that the participant must purchase and import U.S. agricultural commodities into the project country in order to generate the local currencies to establish the facility. The proposal did point out, however, that the participant would not be required to make future purchasers of U.S. agricultural commodities, and that the United States would compete with other exporting countries for the opportunity to export to the foreign country in which the facility was established.

CCC feels it was clearly not the intent of Congress nor is it the desire of CCC to impose a requirement under the program that the participant agree only to make purchases of U.S. agricultural commodities in consideration of the financing extended by CCC. Such a requirement would cause harm to our international relations with other exporting countries and interfere with free trade in commercial markets. The Act clearly states that the program cannot be used to encourage competition. A requirement that the importing country make future purchases only from the United States would certainly encourage other exporting countries to implement credit arrangements or devise other methods to compete with the United States in the same country or in other markets.

B. *Cargo Preference*—CCC received 10 comments from the U.S. maritime interests taking exception to Section 1492.1(i) which provides that the provisions of Pub. L. 83-664 (Cargo Preference Act) shall not apply to exports of U.S. agricultural commodities financed under GSM-301.

The GSM-301 program is being promulgated pursuant to Section 4(b) which authorizes CCC to provide financing for the establishment of facilities in importing countries to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities.

Section 4(b) specifically provides that cargo preference laws shall not apply to export sales financed under the programs authorized by Section 4(b). The Congress recognized the need for intermediate credit programs which could help develop, expand, and maintain foreign markets for the commercial sale and export of U.S. agricultural commodities, or which would otherwise improve the capability of the importing countries to purchase and use, on a long-term basis, U.S. agricultural commodities, and appropriately provided that such cargo preference laws shall not apply.

Section 4(b) also provides that intermediate credit financing may not be used for the purpose of foreign aid or debt rescheduling. Furthermore, the Act stipulates that the interest rate charged by CCC shall be at a rate equal, as nearly as practicable, to the rate charged by CCC under the short-term export credit sales program.

Because of the above provisions of Section 4(b), it is the view of CCC that Congress intended the intermediate credit program to be commercial in nature and not a concessional program, such as Title I, Pub. L. 480, to which cargo preference laws apply.

Title I of Pub. L. 480 provides for long-term financing at below market interest rates for sales of U.S. agricultural commodities to poor countries unable to purchase commodities on normal commercial terms. The Department of Agriculture pays the ocean freight differential representing the added cost of shipping the commodities on U.S. flag merchant ships.

USDA continues to support a strong merchant marine and the Cargo Preference Act continues to provide for the use of U.S. vessels in our foreign aid programs. The application of cargo preference to commercial sales could result in a substantial reduction of U.S. exports with a consequent negative effect on U.S. farm income and the U.S. balance of payments.

One respondent stated that the impact of the proposal, together with another recent commercial program proposed by

CCC represents a potential loss of some ten percent of the American merchant fleet at a time when other nations are expanding their fleets. The other proposal referred to by the respondent is the CCC Export Credit Guarantee Program (GSM-102) which represents a continuation of CCC commercial export credit programs, but with certain modifications. Since the exports which will be made under GSM-102 will generally represent commercial exports which would otherwise have been made under other CCC commercial export credit programs which have been operating since 1956, USDA finds no evidence which would support the view of losses in the use of the American merchant fleet. USDA findings are also the same with the respect to the GSM-301 program which is a new program and exports made under the program will not displace exports now subject to the cargo preference laws.

C. *Third-Country Consultations*—Two commentators took exception to the proposed program in that consultations would not be held under the Food and Agriculture Organization (FAO) Principles of Surplus Disposal. They contend that since the transactions involve credit arrangements in excess of three years, it would require: prior notification and consultation with the Committee on Surplus Disposal (CSD); the establishment of usual marketing requirements; and the establishment of safeguards with respect to export and re-export of the same or like commodities. The commentators also stated that pre-emption of markets by U.S. Government programs adds pressures on other grain exporting countries to expand their own traditional markets by credit or other means.

Section 4(b) provides that agreements authorized thereunder will be subject only to review by the National Advisory Council on International Monetary and Financial Policies. Section 4(b) also provides that the financing may not be used to encourage credit competition, or for the purpose of foreign aid or debt rescheduling. Further, Section 4(b) states that the interest rates charged under GSM-301 shall be nearly as practicable as the rates charged under the CCC Short-term Export Credit Sales Program, which is a commercial program.

CCC does not plan to make it a policy to consult with the CSD on a regular basis since the proposed program is not a surplus disposal or aid program, but is more of a commercial nature, and should not, therefore, be subject to FAO Principles of Surplus Disposal. However, CCC will notify affected countries through the State Department of its intentions to negotiate an intermediate credit arrangement and ask for the affected countries' comments. The State Department will notify the countries by letter and provide 14 days for response. If a country raises this issue in the CSD, CCC will agree to discuss the issue and will develop an appropriate position at that time.

D. *Normal Commercial Channels of Trade*—A respondent whose membership is comprised of 1,250 companies and 46 state and regional associations that includes upwards of 10,000 companies nationwide supported the program with the understanding that the export sales of agricultural commodities would be made through normal commercial channels. Also, an exporter commented that all trade transactions under the program should be left in the private trade sector.

Sections 1492.25 through 1492.34 contain the provisions which apply to export sales made pursuant to purchase authorizations issued by CCC. In each purchase authorization, CCC will request participants to issue public tenders for commodities to be bought under purchase authorizations thereby permitting all interested exporters an opportunity to supply the commodity in accordance with customary methods and channels of trade.

E. *Types of Facilities Approved for Financing*—Several respondents objected to CCC making financing available to establish projects such as vegetable oil refining and crushing plants, flour mills, livestock and poultry processing facilities or other related facilities which would be in direct competition with similar processing plants which alread exist in the United States.

CCC intends to make a thorough study of each proposed project and the likely effect such project will have on increased U.S. exports of agricultural commodities and the effect such project would have on possible increased demand for agricultural commodities in the project country. Also, the applicant will be required to furnish a project feasibility study which will cover the arrangements for the production and marketing of products produced or handled by the facility. Further, in the selection of appropriate projects, CCC will take into consideration any competitive advantage the proposed project could have with similar U.S. processing facilities which supply the same kind of commodities for export. When deemed appropriate, CCC will obtain commitments from participants that products produced in facilities covered by the project agreement will not be exported from the project country if such products compete with the same or similar product being exported from the United States.

F. *Cooperative Financing Arrangements*—One respondent urged that CCC cooperate as much as possible with the Export-Import Bank of the United States when financing the construction of foreign market development facilities. Specifically, the respondent suggested that any machinery and equipment should be financed by the Export-Import Bank and CCC should finance the non-machinery and equipment components.

CCC agrees with this view and is adopting Section 1492.1(d) of the proposed rule which provides that intermediate credit financing many not be used for projects for which financing is available under other U.S. programs, such as programs administered by the Overseas Private Investment Corporation and the Export-Import Bank of the United States. However, this would not preclude CCC from providing supplemental financing in cooperation with these organizations when the General Sales Manager determines that such supplemental financing is necessary to accomplish the objectives of this program.

G. *U.S. Goods and Services*—Several commentators, primarily those representing U.S. maritime interests, recommended that CCC require the participant to purchase U.S. goods and services to carry out the establishment of the facility which would be similar to requirements of other international lending organizations.

CCC did not adopt this recommendation. The objective of GSM-301 is to assist in the establishment of facilities in importing countries to improve the capabilities of the importing country to purchase and use, on a long-term basis, U.S. agricultural commodities. The benefits to the U.S. will be increased exports of agricultural commodities which, over the long-term, will create a more favorable balance of payments and enhance farm income for U.S. producers. CCC believes the objectives of GSM-301 differ substantially from program objectives of other international lending organizations, some of which provide financing only for U.S. goods and services which may not create a future demand for exports from the United States.

Also, since the authorizing legislation does not require the export of U.S. goods and services to establish market development facilities, it is the view of CCC that GSM-301 should not administratively require the participant

to purchase U.S. goods and services. Such a requirement would: (a) discourage participation under the program because of possible higher costs of U.S. goods and services; (b) result in a higher amount of financing needed to establish the facility; and (c) increase the cost of administering the program. Also, as pointed out under Section B, it is the view of CCC that Congress intended the intermediate credit program to be commerical in nature and not a concessional program. To require that U.S. goods and services be exported to establish the facility could imply that the program is concessional.

CCC will, however, issue appropriate announcements after project agreements are concluded with participants which will provide U.S. suppliers an opportunity to contract with the participant for the furnishing of U.S. goods and services.

H. *Specific Comments*—1. *Section 1492.7—Legal Opinion and Documents.*—One commentator pointed out that subparagraph (a)(3) needs clarification to show that the participant's counsel is only to express a legal opinion that the required foreign exchange authorization does authorize principal and interest to be paid CCC in U.S. dollars. An appropriate change has been made to the regulations as suggested.

2. *Section 1492.9—Investment by the Participant*—One commentator suggested that the provision which requires the participant to make an initial payment at the time of export of the commodity of at least 15 percent of the export value of the commodity be modified to give the General Sales Manager the discretion to set a lower initial payment when determined appropriate.

The commentator argued that: Section 4(b) does not require a minimum down payment and other international lending organizations have flexible terms with respect to down payments. Further, the 15 percent minimum down payment: (a) may prevent USDA from meeting credit offered by foreign competitors; (b) would not allow for a temporary foreign exchange crunch; (c) may result in practices contrary to its underlying purpose; and (d) would have an adverse impact on small businesses.

Section 4(b) provides that the Secretary of Agriculture may, if deemed appropriate to protect the interests of the United States, require an initial payment from the purchaser at the time of sale or shipment of the agricultural commodity. CCC feels that the participant should be required to establish an equity in the project to assure that the participant will make every endeavor to successfully carry out the project, to protect the interests of CCC and to carry out the objectives of the program. Accordingly, CCC included in the proposed rulemaking a provision which requires the participant to make an initial payment at the time of export of at least 15 percent of the export value of the commodity. Since the total proceeds received from the sale of the commodity, less allowable deductions (ocean freight, agent commissions, costs of letters of credit, and other sale-related expenses), must be used in carrying out the project, the participant would establish an equity in the project through the initial payment.

CCC recognizes that, under certain circumstances, other international lending organizations have flexibility under international agreements to reduce the minimum initial payment, such as to meet competition. This action is needed to meet the objective of some international lending organizations of encouraging the export of U.S. goods and services by offering credit terms to meet competition by other exporting countries that may not be signatories to the international agreement.

In the case of GSM-301, the authorizing legislation prohibits the use of intermediate credit to encourage credit competition. Accordingly, the initial payment to be required under GSM-301 could not be reduced solely to meet competition of other lending organizations that may be interested in financing the proposed project. CCC feels that the other comments offered by the commentator also do not support a reduction of the 15 percent initial payment.

Notwithstanding the above, CCC feels that possible future changes in international lending terms make it desirable to provide in the final regulations a means to accommodate any such changes and to take into consideration unusual circumstances under which the General Sales Manager may determine that a lower initial payment is appropriate. Accordingly, CCC has added language to Section 1492.9 which would permit a lower initial payment when the General Sales Manager determines that a lower initial payment is appropriate.

3. *Section 1492.11(b)—Credit Terms and Other Financing Provisions*—One commentator suggested that the provision which requires repayment of principal in equal semi-annual amounts be changed to allow the General Sales Manager to reduce the amount of principal repayments to accommodate start-up and similar problems which may limit cash flow during the construction phase and for a period of time after completion of construction.

The requirement for semi-annual repayment of principal is also based upon credit terms generally observed by other international lending organizations. However, in lieu of reduced payments during the start-up phase of the project, CCC will, depending upon the type of project, consider granting a suitable grace period for the beginning date for repayment of principal. Such grace period will be based upon construction time and the ability of the project to generate sufficient cash flows to meet principal and interest payments and to provide returns for equity investment by the participant. An appropriate provision for a grace period has been added to Section 1492.11(c). In view of this flexibility in scheduling repayment of principal CCC feels the requirement of equal semi-annual repayments of principal is appropriate.

4. *Section 1492.17—Deposit of Project Funds*—One commentator suggested that CCC permit the participant to convert the local currency proceeds received from the sale of the commodity to United States dollars and maintain such United States dollars in a financial institution acceptable to the General Sales Manager. CCC agrees with the commentator that high inflation rates and rapidly changing foreign exchange adjustments in some countries could devalue project funds when the project account is maintained in the currency of the importing country. Also, it is likely that for most projects it will be necessary to import goods and services for use in the construction of the project and local currency would be converted to U.S. dollars to pay for such imported goods and services. Accordingly, CCC has modified Section 1492.17 to permit the local currency deposited in the project account to be converted to United States dollars with such United States dollars to be retained in the project account until used for project expenses.

5. *Section 1492.18—Use of Project Funds*—One respondent pointed out the possibility that project funds made available by CCC and the participant may exceed the cost of carrying out the project and suggested that in such case the participant be authorized to use such excess for: (a) the construction of additional facilities to expand or enhance the production and profitability of the project; (b) reserves for unanticipated expenses or operating losses; and (c) additional working capital.

It is possible that upon completion of the project there will remain unspent

project funds. However, it is anticipated that in most cases the amount will not be very large since CCC will control the issuance of purchase authorizations in such a way so as to mimimize the amount of any funds in excess of those needed to complete the project. Normally, purchase authorizations will be issued as the need for additional funds arise. However, the last purchase authorization could exceed the amount anticipated to complete the project. Accordingly, CCC has modified § 1492.18 to provide that upon completion of the project, the participant will refund to CCC any excess project funds prorated on the basis of the percentage of financing made available by CCC and the initial payment made by the participant. Such refund will be applied first to accrued interest due CCC and then the principal.

Accordingly, Subchapter C of Chapter XIV of Title 7 of the Code of Federal Regulations is amended by adding a new Part 1492, CCC Intermediate Credit Export Sales Program for Foreign Market Development Facilities (GSM-301) and a new subpart A thereunder as set forth below:

PART 1492—CCC INTERMEDIATE CREDIT EXPORT SALES PROGRAM FOR FOREIGN MARKET DEVELOPMENT FACILITIES

Subpart A—Financing Export Sales of Agricultural Commodities Under CCC Intermediate Credit Export Sales Program (GSM-301)

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Authority: Sec. 4(b), 80 Stat. 1537, as added by Sec. 101 92 Stat, 1685 (7 U.S.C. 1707a); Sec. 5(F), 62 Stat. 1070, as amended.

General

§ 1492.1 General Statement.

(a) Section 4 (b) of the Food for Peace Act of 1966, as added by the Agricultural Trade Act of 1978, authorizes the Commodity Credit Corporation (CCC) to finance export sales of United States agricultural commodities out of CCC and private stocks on credit terms in excess of three years but not more than ten years.

(b) Intermediate credit financing made available by CCC on the export sale of United States agricultural commodities may be used to establish facilities in the importing country to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities through the use of local currency generated from the import and sale of the U.S. agricultural commodities to finance the development of such facilities.

(c) No export sale may be financed unless the General Sales Manager determines that the sale will: (1) Develop or expand the importing nation as a foreign market, on a long-term basis, for the commercial sale and export of U.S. agricultural commodities without displacing normal U.S. commercial sales; or (2) otherwise improve the capability of the importing country to purchase and use on a long-term basis, U.S. agricultural commodities.

(d) Intermediate credit financing may not be used for projects for which financing is available under other U.S. programs, such as programs administered by the Overseas Private Investment Corporation and the Export-Import Bank. However, financing provided by such institutions may be supplemented to the extent the General Sales Manager determines that such supplementation is necessary to accomplish the objectives of this program.

(e) Intermediate credit financing may not be used to encourage credit competition or for the purpose of foreign aid or debt rescheduling.

(f) The terms of credit for export sales financed shall include the following conditions:

(1) Repayment of financing shall be made in U.S. dollars and shall bear interest for the period of the financing. The interest rate shall be specified in the project agreement and shall apply to export sales made during a designated period of time. Interest rates will be determined by CCC using generally the same critiera as used in determining interest rates charged under CCC's short-term Export Credit Sales Program.

(2) The participant shall be required to make an initial payment of at least 15 percent of the export value of the agricultural commodity at the time of export of the commodity unless the General Sales Manager determines that a lower initial payment is appropriate.

(3) When deemed appropriate to protect the interests of CCC, the participant shall also be required to make a further investment in the project. Such investment may include providing initial working capital or the payment of feasibility and engineering studies, organizational expenses, land cost, construction cost, machinery and equipment cost, etc., with the participant's own resources.

(g) CCC shall, when deemed appropriate, obtain commitments from participants that the products produced in facilities covered by the project agreement will not be exported from the importing country if such products compete with the same or similar product being exported from the United States.

(h) Subject to the terms and conditions as set forth in GSM-301, CCC will purchase, after export of the commodity, the exporter's account receivable arising from an export sale of U.S. agricultural commodities.

(i) The provisions of Public Law 83-664 (Cargo Preference Act) shall not apply to exports of U.S. agricultural commodities financed under GSM-301.

(j) Participation under GSM-301 will not be conditioned upon the particpant's use of U.S. goods and services to establish the facilities except that only

U.S. agricultural commodities will be financed under the program.

(k) The GSM-301 program will be administered by the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture.

§ 1492.2 Definition of terms.

As used in this GSM-301, the project agreement, USDA announcements, and the forms and documents related thereto, the following terms shall have the meanings assigned to them in this section:

(a) "Account receivable" means the contractual obligation of the participant to the exporter for the export value of the U.S. agricultural commodity exported by the exporter to the participant. The account receivable establishing the contractual obligation between the exporter and the participant shall be evidenced by documents in form and substance satisfactory to CCC.

(b) "General Sales Manager" means the General Sales Manager, Foreign Agricultural Service, USDA, or the General Sales Manager's designee.

(c) "Assurer" means the institution which assures, on behalf of the participant, repayment in U.S. dollars of the amount financed by CCC with interest in accordance with provisions of the project agreement between CCC and the participant. An "assurer" may be a U.S. bank or financial institution; a foreign private bank or financial institution; or a central bank, government agency; or a foreign government.

(d) "Carrying charges" means storage, insurance, and interest charges involved in the cost of handling and storing the agricultural commodity before export and such other incidental costs as may be approved by the General Sales Manager.

(e) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(f) "Commodity agreement" means the written agreement entered into between CCC and an exporter under which the exporter agrees to export an eligible U.S. agricultural commodity in accordance with the exporter's export sales contract with the participant and the provisions of GSM-301 in consideration of CCC's agreement to purchase the exporter's account receivable after export of the commodity and upon submission of the required documents specified in § 1492.29.

(g) "Commodity purchase authorization" means a USDA announcement published by the U.S. Department of Agriculture pursuant to GSM-301 in which the General Sales Manager authorizes the participant to purchase commodities from exporters in accordance with the commodity purchase authorization and project agreement.

(h) "Date of export" means the onboard date of an ocean bill of lading, or the date of an airway bill, or if export is by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country.

(i) "Date of sale" means the earliest date the exporter has knowledge that a contractual obligation exists with the participant under which a firm dollar-and-cent price has been established or a mechanism to establish the price has been agreed upon.

(j) "Eligible commodity" means any agricultural commodity or product thereof, including eligible cotton, produced in the United States and designated by the General Sales Manager as eligible for financing under GSM-301. Commodities which have been purchased from CCC are also eligible for export under GSM-301. Exports of commodities financed through a direct loan by the Export-Import Bank of the United States or pursuant to any CCC barter contract, Pub. L. 480 agreement, Agency for International Development agreement, or any other concessional-type transactions are not eligible for financing under GSM-301.

(k) "Eligible cotton" means upland and extra-long staple cotton grown in the United States that is eligible for financing hereunder but excludes reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (7 CFR 28.40), by-products of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any by-products of cotton. CCC's determination as to the eligibility of cotton shall be final.

(l) "Eligible exporter" or "exporter" means a person who is (1) engaged in the business of buying or selling commodities for export and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) financially responsible, and (3) not suspended or debarred from contracting or participating in any program administered by CCC on the date of issuance of the commodity agreement.

(m) "Eligible importing country" means the country (1) which is named in the project agreement between CCC and the participant and in the commodity agreement between CCC and the exporter, and (2) which meets the licensing requirements of the U.S. Department of Commerce.

(n) "Export" means the export of the U.S. agricultural commodity as required by the export sale contract between the participant and exporter to transfer to the participant full or conditional title to the commodity. Export from the United States shall be f.a.s. or f.o.b. export carrier at U.S. ports, airports, and border points of exit or, if transshipped through Canada, at ports on the Great Lakes and the St. Lawrence River.

(o) "Export value" means the net amount of the exporter's sale price for the commodity delivered to the participant under a commodity agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, airports or border points of exit, or, if transshipped through Canada, at ports on the Great Lakes or on the St. Lawrence River. The export value shall not include ocean freight for a c & f sale, or ocean freight and marine and war risk insurance for a c.i.f. sale, but may include carrying charges as provided for in the export sales contract. The net amount of the exporter's sales price means the exporter's contract price for the commodity, on the basis stated above, less any payments made to the exporter and less any discounts, credits, or allowances by the exporter.

(p) "Financing period" means the number of years and months over which payment is to be made which shall be in excess of three years but not more than ten years. Such period shall start on the date of export of the commodity and shall expire on the expiration of the financial assurance established by the participant or the specified period over which repayments are to be made, whichever occurs first.

(q) "GSM-301" means the regulations contained in this Subpart A and USDA announcements thereto, setting forth the terms and conditions governing the CCC Intermediate Credit Export Sales Program for Foreign Market Development Facilities.

(r) "Project agreement" means the written agreement entered into between CCC and a participant for the financing of U.S. agricultural commodities on credit pursuant to the purpose described in § 1492.1(b).

(s) "Participant" means a foreign government, a U.S. or foreign individual, group of individuals, partnership, corporation, association, cooperative or other entity which (1) enters into a project agreement with CCC, (2) purchases U.S. agricultural commodities from an exporter to be exported from the U.S. to the importing country named in the commodity agreement, and (3)

executes the documents evidencing the account receivable which is assigned to CCC.

(t) "Supply year" or "fiscal year" means the twelve-month period beginning October 1 and ending the following September 30.

(u) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

Project Agreements

§ 1492.3 General.

To qualifying for a project agreement, an applicant must submit: (a) an application for a project agreement; (b) a project plan and cost information; (c) a feasibility study and engineering report except when the General Sales Manager determines that such a study or report is not necessary; (d) certain legal documents; and (e) an assurance of payment. After a project agreement is signed by the General Sales Manager and the participant, the General Sales Manager will issue an authorization for the participant to purchase U.S. agricultural commodities. The commodities are then purchased and imported into the eligible country and sold by the participant, or the commodity may be processed into products and the products sold, and the proceeds from the sale of the commodity or product deposited in a financial institution. The funds are then available to the participant to carry out the construction of the market development project approved in the agreement. The participant will be required to make reports on the use of project funds and progress toward completion of the project. Activities under a project agreement will be reviewed by CCC to determine compliance with the project agreement.

§ 1492.4 Eligible projects and participants.

(a) Local currency generated from the import and sale of the commodity, or product thereof, shall be used by the participant for the establishment of facilities in the importing country to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities which will improve market opportunities for the export sale of U.S. agricultural commodities.

(b) Projects which may be approved include, but are not limited to, feed and flour mills; bulk unloading, handling and storage facilities at ports and inland points; oilseed crushing and vegetable oil refining facilities; livestock receiving facilities; livestock feeding lots; processing plants; model bakeries; poultry facilities; and tallow refining facilities.

(c) The General Sales Manager may enter into project agreements with foreign governments, U.S. or foreign individuals, group of individuals, partnerships, corporations, associations, cooperatives, or other entities.

(d) If the project agreement is entered into with a foreign government, the foreign government may carry out the establishment of facilities directly or the foreign government may, if approved in the project agreement, enter into an agreement with a private business entity under which the private business entity would carry out the establishment of the facility. The private business entity and the plan of the private business entity to carry out the establishment of the facility must be approved by the General Sales Manager.

(e) If a non-government entity is to be the participant, it must furnish the General Sales Manager with a written statement from the foreign government of the country in which the project is to be carried out showing the foreign government's approval of the proposed project.

(f) The General Sales Manager will request the Agricultural Counselor or Attache assigned to the country in which the project is to be carried out and other interested U.S. agencies to furnish their recommendations concerning the proposed project.

§ 1492.5 Submission of application for a project agreement.

(a) An applicant for a project agreement shall submit a written application to the General Sales Manager. The application shall include, but is not limited to, the following:

(1) Name of the applicant and address, type of organization (company, corporation, cooperative, government or other entity), nature of its business and operations and, if a corporation, a copy of its articles of incorporation and by-laws.

(2) Name and address of any firm or individual with which the applicant has a business affiliation, i.e., ownership interest.

(3) A summary of the applicant's experience in dealing with agricultural commodities.

(4) If the applicant is a private organization and the Government of the importing country is to participate in the project, the nature and extent of Government participation in the ownership, financing, or operation of the project. If the Government of the importing country will not be participating in the project, the extent to which the applicant has discussed the proposal with officials of the Government.

(5) Information on each of the applicant's principal officers and managerial personnel as follows: (i) Full name, (ii) position, (iii) place and date of birth (day, month, and year), (iv) present citizenship, (v) business and private addresses, and (vi) summary of business experience.

(6) The name of the importing country.

(7) The kind and quantity of agricultural commodity proposed for financing.

(8) The period of time during which the commodity would be exported.

(9) A statement of the applicant's plans for selling the commodity to end users within the importing country or, if the applicant is the intended processor or user, the applicant's plans for processing or using the commodity.

(10) The repayment period considered necessary by the applicant to carry out the project.

(11) Name and address of the financial institution which shall provide the required assurance of U.S. dollar payment to CCC as provided in § 1492.10.

(12) The most recent statement of financial position and profit and loss statement of the applicant.

(13) Projected cash-flow statements covering the repayment period.

(14) The extent to which the applicant has discussed the proposal with the U.S. Agricultural Counselor or Attache or with representatives of the American Embassy and other U.S. agencies.

(15) Brief statement explaining any requests made by the applicant to other U.S. lending organizations, such as the Overseas Private Investment Corporation or the Export-Import Bank of the U.S., to obtain financing for the proposed project and the results of such requests.

(16) Project plans and information as provided in § 1492.6.

(17) Other information or documents as may be requested by the General Sales Manager.

(b) An application may be approved as submitted, approved with modification, or rejected by the General Sales Manager.

§ 1492.6 Project plan and information.

(a) The applicant shall furnish the following information to the General Sales Manager:

(1) *Project plans.* A complete description of the project; plan for carrying out the project; time schedule for carrying out the project, including the approximate starting and completion dates; purpose and need of the project in the importing country; expected effect

the project will have on future imports of agricultural commodities into the importing country; and any other information which would demonstrate the soundness of the project plan.

(2) *Project cost estimates.* An estimate of the total cost to carry out the project with a breakdown of the total costs among major categories involved in the project, such as technical services (architectural and engineering), land, construction services, materials, machinery and equipment, financing costs, administrative and overhead costs. An allocation of each such category of costs to project funds and to resources to be provided by the participant. Unless otherwise agreed to in writing by the General Sales Manager, financing costs (other than interest to be paid by the participant for the financing provided by CCC under the project agreement) and related guarantee fees and administrative and overhead charges incurred by the participant cannot be allocated to project funds.

(3) *Project fund estimate.* An estimate of the project funds needed to carry out the project and a certification by the participant which provides substantially as follows: "I certify that the project cost estimates allocated to be paid with project funds represents a reasonable estimate of the financing needed to carry out the project."

(4) *Participant resources.* An estimate of the value of resources (working capital, land, buildings, machinery and equipment, etc.) to be provided by the participant. Show the amount of any encumbrance which may apply to the resource. A resource may include that portion of the estimated export value of the commodity to be exported from the U.S. which the applicant will pay with the applicant's own resources. If the applicant is required by the General Sales Manager to make a further investment in the project, a detailed description of the nature and the value of the resource which will represent such investment. When requested by the General Sales Manager, the applicant must furnish a detailed independent appraisal of the value of the resources.

(5) *Tentative schedule of disbursements.* A tentative time schedule for project fund disbursements which shows the estimated disbursement for each major cost category for each semi-annual period of the financing period.

(b) The applicant must furnish a feasibility study to demonstrate the soundness of the proposed project except when the General Sales Manager determines that such a study is not necessary.

(c)(1) The applicant shall employ the services of a competent engineering firm for the planning and development of the project and for supervision of the execution of the project except when the General Sales Manager determines that such services are not necessary.

(2) If the services of an engineering firm are required, the applicant's arrangement with the engineering firm shall provide that the engineering firm furnish a certification with respect to the project plans and cost estimates as follows: "We hereby certify that we have reviewed the accompanying information on the project plans which we understand (name of applicant) is required to submit to the Commodity Credit Corporation. We further certify that this information is in accordance with the project plans and the specifications prepared by us, or with our advice and consultation, and that the cost estimates are reasonable and proper." The certification shall show the name and address of the engineering firm and shall be signed by an authorized representative of the firm.

(d) The General Sales Manager shall have the right to request the applicant to furnish copies of the detailed architectural and engineering plans and specifications and detailed cost estimates.

(e) The applicant shall furnish such other information, certifications, or documents as requested by the General Sales Manager.

(f) After the project plans have been approved by the General Sales Manager, the project and the plan for carrying out the project may be modified only by mutual agreement of the General Sales Manager and the participant in writing.

§ 1492.7 Legal opinions and documents.

Unless otherwise agreed to by the General Sales Manager in writing, the applicant shall furnish to the General Sales Manager in form and substance satisfactory to the General Sales Manager, the following:

(a) An opinion prepared by the applicant's counsel showing that under the laws of the importing country:

(1) The applicant has the power and authority to enter into the project agreement and perform its obligations under the project agreement;

(2) The project agreement, as signed by the participant, or on behalf of the participant, is valid and legally binding upon the participant;

(3) Repayments of principal and interest due CCC are authorized to be made in U.S. dollars under the foreign exchange authorization issued by an official of the foreign government or under provision of law.

(4) The project agreement may be enforced by legal proceedings against the participant upon failure of the participant to meet its obligations under the project agreement;

(5) Judgments rendered in favor of CCC may be collected in U.S. dollars.

(6) Such other legal opinions including, but not limited to, an opinion with respect to the validity of the assurance of payment, certifications and documents furnished to CCC.

The opinions shall refer to all pertinent documents, decrees, laws, regulations, and legal precedents which serve as a basis for the conclusions stated therein, and shall set forth the procedures which CCC would have to follow in any legal proceedings against the participant and in collecting judgments awarded to CCC pursuant to such proceedings.

(b) A designation by name and title of the person or persons authorized to represent the participant in accordance with § 1492.35 and the authenticated specimen signature of each person.

(c) A foreign exchange authorization showing the signature, title, and organization of the issuing official of the foreign government which authorizes U.S. dollar funds for the repayment of principal and interest in accordance with the project agreement and a certificate of authentication of the authorization executed by an officer of the American Embassy in the importing country.

(d) An assurance of payment acceptable to CCC covering the principal and interest.

(e) Evidence satisfactory to the General Sales Manager that the participant has made arrangements for the services of an engineering firm acceptable to the General Sales Manager, except when the General Sales Manager determines that the services of an engineering firm are not necessary.

(f) The name and address of the financial institution in which project funds are to be deposited.

§ 1492.8 Subsequent legal opinions and documents.

Subsequent to the issuance of the first purchase authorization but prior to the issuance of each additional purchase authorization or any amendment which increases the maximum amount of a purchase authorization, the participant shall, when requested by the General Sales Manager, furnish:

(a) Additional assurance of payment if, as determined by the General Sales Manager, existing assurances are not sufficient.

(b) Additional foreign exchange authorization and related documents

specified in § 1492.7(c), if, as determined by the General Sales Manager, existing authorizations and related documents are not sufficient.

(c) Such other additional legal opinions and documents as may be requested by the General Sales Manager.

§ 1492.9 Investment by the participant.

(a) The participant is required to make an initial payment at the time of export of the commodity of at least 15 percent of the export value of the commodity unless the General Sales Manager determines that a lower initial payment is appropriate. The percentage amount and manner of making such payment will be specified in the project agreement and in the commodity purchase authorization issued by the General Sales Manager pursuant to § 1492.13.

(b) When deemed appropriate by the General Sales Manager to protect the interests of CCC, the participant shall also be required to further invest in the project. Such investment may include initial working capital, administrative and overhead costs, the cost of feasibility and engineering studies, organizational expenses, land, construction costs, machinery and equipment, etc. The participant must furnish the amount of any encumberance which applies to the resource. When requested by the General Sales Manager, the participant must furnish a detailed independent appraisal of the value of the investment to be made by the participant.

§ 1492.10 Assurance of payment to CCC.

(a) Repayment of amounts due CCC for commodities financed under a project agreement must be secured by an assurance of payment issued by an assurer acceptable to CCC. The assurance of payment must provide adequate protection to CCC from failure of the participant to make scheduled repayments, from failure of the participant to complete the planned project, or failure to perform other obligations under the project agreement. An application for a project agreement will not be approved if the proposed assurer is not acceptable to the General Sales Manager because of its ability to provide reasonable and adequate assurance of full repayment to CCC.

(b) The assurance of payment shall be in the form of a letter of credit or other assurance of payment acceptable to the General Sales Manager.

(c) The assurance of payment shall obligate the assurer to pay CCC on demand in U.S. dollars the amount of the outstanding balance of the principal plus interest in the event of non-compliance with the project agreement.

(d) An acceptable assurance of payment covering the estimated export value of the commodity to be purchased and financed by CCC must be received by the General Sales Manager prior to the issuance of a commodity purchase authorization.

§ 1492.11 Credit terms and other financing provisions.

(a) The financing of commodities to the participant shall be through the purchase by CCC of an exporter's account receivable arising from an export sale after the commodity has been exported.

(b) Repayment shall be made to CCC by the participant in approximately equal semi-annual amounts with the first repayment being due on the date specified in the project agreement with subsequent repayments to be made semi-annually thereafter. Any semi-annual repayment, or repayment of the total amount of principal outstanding, may be made at any time prior to the due date thereof.

(c) The financing period approved for a particular project agreement will be based on factors such as the type of project, planning and completion time of the project and the project's ability to generate funds to liquidate the financing extended. The financing period determined appropriate shall be stated in the project agreement. CCC will consider granting a suitable grace period for the beginning date for repayment of principal based upon construction time and the ability of the project to generate sufficient cash flows to meet principal and interest payments and to provide returns for the equity investment by the participant.

(d) At the end of each calendar year, CCC will furnish to the participant a repayment schedule of the principal applicable to commodities exported in the prior twelve month period. The principal shall consist of the U.S. dollar amount disbursed for the account of the participant by CCC for the commodities exported in each calendar year less any adjustments. The principal with interest thereon shall be repaid to CCC semi-annually in accordance with the terms of the project agreement.

(e) The project agreement shall stipulate the interest rate to be paid to CCC. The interest rate shall be fixed at the time the project agreement is signed by the General Sales Manager and the participant and shall apply to export sales made during a designated period of time. After the expiration of such period, CCC shall determine the interest rate which will apply to subsequent export sales. The project agreement will be amended to reflect such rate and the period of time the rate will be in effect for export sales.

(f) Interest on the unpaid balance of the principal shall begin on the date of export of the commodity. Accrued interest shall be paid in U.S. dollars on the date which payment of principal is scheduled to be paid. Interest shall accrue on any installments determined by CCC to be in arrears.

(g) Repayments made by the participant shall be applied first to accrued interest due and then to principal. Principal and interest shall be paid without deduction for any taxation, including fees and impositions, now or at any time hereafter imposed under the laws of the importing country or any other country.

(h) All obligations of the participant to make repayments to CCC under the project agreement shall be stated in U.S. dollars and shall be discharged by payments in U.S. dollars.

(i) CCC shall have the right to sell or otherwise dispose of the amounts due CCC from the participant. CCC will give notice to the participant prior to any such sale or other disposition.

(j) The participant shall have the right to make prepayments of accrued interest and scheduled principle installments, in part or in full, without penalty.

(k) Information as to financing terms and interest rates may be obtained from the General Sales Manager.

§ 1492.12 Eligible importing countries.

Commodities financed under GSM-301 must be imported into the country in which the local currency generated from the sale of such commodities is to be utilized for the establishment of market development facilities.

§ 1492.13 Commodity purchase authorizations.

(a) After a project agreement is signed, the participant may request the General Sales Manager to issue commodity purchase authorizations for the commodity to be purchased under the terms of the project agreement.

(b) Commodity purchase authorizations will specify: The purchase authorization number; the kind of commodity to be purchased; the contracting period; the period during which the commodity must be exported; the approximate quantity and maximum U.S. dollar value of the commodity to be purchased; the importing country; the name of the participant or its agent, to whom bids must be submitted by the exporter; the percentage amount of the U.S. dollar value of the commodity

exported which will be financed by CCC; the percentage amount of the U.S. dollar value of the commodity exported which will be paid for by the participant with the participant's own resources; and other information deemed necessary by the General Sales Manager.

§ 1492.14 Export periods.

The commodity to be financed shall be exported during the export period specified in the project agreement and purchase authorization unless the General Sales Manager agrees in writing to an extension of such export period. If a project agreement provides for the purchase of commodities during more than one supply year, the issuance of purchase authorizations for each supply year shall be subject to the General Sales Manager's determinations as to: availability of funds; availability of the kind of commodity specified in the project agreement; and evidence that satisfactory progress has been made by the participant in carrying out the project.

§ 1492.15 Export value of the commodity to be financed.

CCC will finance only that portion of the export value of the commodity exported by the exporter to the participant pursuant to the provisions of the export sale and the purchase authorization for which the exporter has complied with the applicable provisions of GSM-301.

§ 1492.16 Determination of project funds.

Project funds shall consist of the local currency proceeds received by the participant from the sale of the imported commodity or the sale of products produced from the imported commodity which shall, unless otherwise agreed in writing by the General Sales Manager and the participant, be determined as follows:

(a) *Imported commodities sold without processing.* When the commodity imported by the participant is sold without processing, the amount of the project funds shall be the total sale proceeds which the participant receives from such sales; *Provided,* that, in determining the amount of the project funds, the participant may deduct from the total sale proceeds, the local currency equivalent of the following costs if paid by or for the account of the participant and if such costs are included in fixing the sales price of the imported commodity: (1) Ocean freight and marine insurance; (2) fees and other related charges of banks for commercial letters of credit used to effect payment to exporters of the commodity and suppliers of related ocean freight and marine insurance; and (3) such other costs incident to the procurement, importation, handling, and sale of the commodity as may be approved by the General Sales Manager in writing; *Provided further,* that, the participant shall not deduct from the total proceeds any local currency to offset the amount of the initial payment made by the participant with the participant's own funds.

(b) *Imported commodities processed before being sold.* When the imported commodities are used in the production of a processed commodity (hereinafter called "the product"), the amount of project funds shall be computed by (1) determining the percentage of the value of the imported commodity used in the processing of the product to the total cost of the product and (2) multiplying such percentage by the total sale proceeds received, or to be received, from the sale of the product; *Provided,* that, in determining the value of the imported commodity to be included in the cost of the product, the participant may, if paid by or for the account of the participant, deduct the local currency equivalent of the following costs: (i) Ocean freight and marine insurance; (ii) fees and other related charges of banks for commercial lettters of credit used to effect payment to exporters of the imported commodity and suppliers of related ocean freight and marine insurance; and (iii) other such costs incident to the procurement, importation, and handling of the commodity and sale of the product as may be approved by the General Sales Manager in writing; *Provided further,* that, the participant shall not deduct from the total sale proceeds any local currency to offset the amount of the initial payment made by the participant with the participant's own resources. For example: The participant is a flour miller who imports wheat for production of flour. Proceeds from the sale of the flour milled from wheat imported under a project agreement are to be used to expand the milling capacity and for modernization of the existing facility. Proceeds from the sale of the flour which would be considered as project funds would be calculated in the following manner:

	Metric ton
Value of the imported wheat at mill location [1]	$250.00
Processing costs	50.00,s
Total cost of producing flour	$300.00,d
Value of imported wheat to total cost of flour (percentage)	83.3
Revenue received from the sale of flour	$325.00
Project funds ($325×83.3%)	$270.73

[1] After deduction of allowable expenses.

The participant's method of recording sales and production costs, including the value of the imported commodity and allocation of the participant's processing costs to the product produced from the imported commodity and the computation of project funds must be approved by the General Sales Manager in writing.

(c) *Sale proceeds which are less than export value.* If the net sale proceeds determined under this section are less than the U.S. dollar equivalent of the export value of the commodity, the participant shall be required to establish additional equity in the project with the participant's own resources equivalent in value to the difference between the U.S. dollar equivalent of the net sale proceeds and the export value of the commodity. The method of establishing the additional equity must be approved by the General Sales Manager in writing.

(d) *Sale proceeds which are more than export value.* If the net sale proceeds determined under this section are more than the U.S. dollar equivalent of the export value of the commodity, the entire amount of the net sale proceeds shall be used by the participant for carrying out the approved project.

(e) *Other proceeds which are considered project funds.* Where reference is made in this section to the amount which the participant receives on the sale of the imported commodity or the product processed from imported commodity, it means all considerations of any kind, including commissions and interest, which the participant is entitled to receive on such sale.

(f) *Disallowance of deductions.* The General Sales Manager shall be entitled to disallow any of the deductions or exclusions claimed by the participant and to require the participant to use the total amount of such disallowances for approved project purposes.

(g) *Market value of commodity.* Notwithstanding any other provision of GSM-301 or the project agreement, the General Sales Manager may consider the prevailing market value of the commodity in the importing country, less allowable deductions as determined by the General Sales Manager, as the amount of the project funds for the imported commodity.

§ 1492.17 Deposit of project funds.

(a) The participant shall deposit the local currency proceeds from the sale of the commodity or the products thereof in a financial institution acceptable to the General Sales Manager immediately

following the receipt of such proceeds. Interest earned on such deposits shall be retained in the account.

(b) When approved in writing by the General Sales Manager, the local currency proceeds desposited in the financial institution may be converted to U.S. dollars provided such U.S. dollars remains in the account until used for carrying out the approved project.

§ 1492.18 Use of project funds.

(a) Local currencies accruing from the sale of the commodity, or the products thereof, including interest earned on such local currencies, shall only be used for carrying out the approved project.

(b) Project funds may not be used for financing costs (other than interest to be paid by the participant for the financing provided by CCC under the project agreement) guarantee fees, and administrative and overhead costs incurred by the participant in carrying out the project unless otherwise agreed to in writing by the General Sales Manager. Such costs must be paid for by the participant with the participant's own resources.

§ 1492.19 Signing of project agreements.

The project agreement shall be signed by the participant. The General Sales Manager shall sign the project agreement on behalf on CCC.

§ 1492.20 Customs entry.

(a) The participant shall furnish evidence of customs entry into the importing country of the commodities purchased under a project agreement. The evidence shall consist of a copy of a customs entry certificate issued by a duly authorized official of the importing country showing (1) the kind and quantity of the commodity, (2) carrier identification, (3) purchase authorization number, (4) the exporter's name, and (5) exporter's sales invoice number.

(b) The customs entry certificate shall be furnished to the General Sales Manager no later than sixty (60) days after the date of export of the commodity from the United States.

§ 1492.21 Books, records, reports, and compliance policies.

(a) The participant shall maintain books and records covering all transactions relating to the project agreement. Such books and records, including pertinent documents, correspondence, memoranda and other records of the participant shall be subject to examination by the General Sales Manager or the General Sales Manager's authorized representative during normal business hours of the participant for a period of three years after the entire amount due CCC under the project agreement has been repaid.

(b) The participant shall furnish to the General Sales Manager such books, reports and information as may be required by the project agreement. Such reports shall include, but shall not be limited to, progress reports on the implementation of the project, reports covering the receipt and expenditure of project funds and financial reports.

(c) Activities under a project agreement shall be subject to such other review or investigation as the General Sales Manager deems necessary to assure compliance with the provisions of the project agreement.

(d) The participant shall cooperate with and give reasonable assistance to the General Sales Manager or the General Sales Manager's authorized representative in such review or investigation as well as the examination referred to in paragraph (a) of this section.

§ 1492.22 Warranties by the participant.

The participant represents, warrants, and undertakes as follows:

(a) The participant is a duly organized and existing legal entity under the laws applicable to it, has full authority to carry on its present business and to enter into the project agreement, and has furnished the General Sales Manager with a true copy of the documents by which it was organized.

(b) The participant has no business affiliations, i.e., ownership interest, with any firm or individual other than those disclosed in the application for a project agreement.

(c) The participant has disclosed to the General Sales Manager in writing all agreements which are material to the project agreement.

(d) The participant knows of no conditions which will interfere with, or threaten to interfere with, the participant's ability to discharge its obligations under the project agreement, and agrees to promptly inform and consult with the General Sales Manager with respect to any conditions which may arise which would have such effect.

(e) The participant shall not transfer or assign the project agreement or any of its rights thereunder, nor sell, transfer or assign its rights to any facility or any other real or personal property financed in whole or in part with project funds without the approval of the General Sales Manager.

(f) The participant shall obtain the written approval of the General Sales Manager before entering into any joint venture or any other arrangement with another entity that involves the commodities imported or to be imported under this agreement or which involves the project financed with project funds.

(g) The participant warrants that no person or selling agency has been employed or retained to solicit or secure the project agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the participant for the purpose of securing business. For breach or violation of this warranty, the General Sales Manager shall have the right, without limitation on any other rights it may have, to cancel the project agreement without liability to CCC.

(h) If the participant is required under § 1492.9 to invest in the project, the participant warrants that none of the resources invested are subject to any encumberances other than those which are disclosed in the information referred to in § 1492.6(a)(4) and § 1492.9(b) or otherwise disclosed in writing to the General Sales Manager.

§ 1492.23 Events of default.

The occurrence of any of the following events may, at the election of the General Sales Manager, be deemed to be a default in the performance of the participant under the project agreement:

(a) Failure of the participant to make prompt and full repayment of principal or interest when due, or of any other payment required under the project agreement.

(b) A breach on the part of the participant of any obligation or warranty under the project agreement unless the General Sales Manager permits the participant to cure the breach within a specified time and the participant cures it to the satisfaction of CCC within that time.

(c) A false representation made by or on behalf of the participant in obtaining the project agreement, in the project agreement, or in the performance of the project agreement.

(d) A determination by a court of competent jurisdiction or an admission by the participant that the participant is insolvent, bankrupt, or otherwise unable to pay its debts as they become due.

§ 1492.24 Remedies of CCC in the event of default.

(a) *Termination of disbursements.* Upon the occurrence of any default set forth in § 1492.23, or upon the failure of the participant to perform any other obligation specified in the project agreement which permits the taking of the actions set forth in this § 1492.24, the General Sales Manager shall have the right to take any or all of the following actions:

(1) Decline to issue commodity purchase authorizations to the participant;

(2) Cancel, outstanding commodity purchase authorizations;

(3) Decline to enter into a commodity agreement with an exporter; and

(4) Suspend or cancel outstanding commodity agreements entered into with exporters under which CCC agreed to purchase the exporter's accounts receivable.

(b) *Change in political, economic, or monetary situation.* In the event of any material change in the political, economic, or monetary situation in the importing country which the General Sales Manager determines will have an adverse effect on the ability of the participant to fulfill its obligations under the project agreement, the General Sales Manager shall have the right to take any or all of the actions set forth in paragraph (a) of this section.

(c) *Acceleration of payment of principal.* Upon the occurrence of any default set forth in § 1492.23, the General Sales Manager shall have the right to declare all or any part of the principal and interest thereon to be immediately due and payable.

(d) *Remedy in case of contingent fee.* For breach or violation of the warranty against contingent fees which is set forth in § 1492.22(g), the General Sales Manager shall be entitled to cancel the project agreement or, at the General Sales Manager's discretion, to require the participant to pay to CCC in U.S. dollars the full amount such commission, percentage, brokerage, or contingent fee or to deduct commission, percentage, brokerage, or contingent fee from payments of principal made to CCC by the participant.

(e) *Refunds to CCC.* If the General Sales Manager determines that any disbursement of project funds is not supported by valid documentation as required by GSM-301 or the project agreement, or was at the time of disbursement in violation of the project agreement or the laws governing CCC, the participant shall pay to CCC on demand the amount of such disbursement together with the interest thereon at the interest rate specified in the project agreement from the date of such disbursement to the date payment is received by CCC. Upon receipt of such refund, CCC will deduct the amount of the refund, exclusive of interest, from the total principal outstanding and due CCC.

(f) *Force majeure.* (1) The provisions of this paragraph § 1492.24(f) shall apply in lieu of any other provisions of GSM-301 or the project agreement with respect to default, delay, or failure to perform in carrying out the project if the participant maintains, and the General Sales Manager determines in writing, that such default, delay, or failure to perform on the part of the participant is due to force majeure (including but not limited to, war, insurrection, riots, fires, strikes, floods, acts of God, acts of governments and agencies thereof which the participant had no reason to anticipate) and such default, delay, or failure to perform could not have been prevented by the exercise of reasonable diligence on the part of the participant.

(2) The General Sales Manager shall have the right to take any or all actions set forth in § 1492.24(a) pending a final determination as to whether the project may be carried out. If the cause of the default, delay, or failure to perform cannot be overcome by the participant, the General Sales Manager shall be entitled to take any or all actions set forth in § 1492.24(a) and to declare all or any part of the outstanding principal due CCC to be immediately due and payable to CCC.

(g) *Other remedies.* The use by the General Sales Manager of any remedy provided for in this § 1492.24 shall not prevent the General Sales Manager from using any other remedy provided for in the project agreement or otherwise available at law or equity, including any sanction or penalty under criminal or civil fraud statutes.

Commodity Agreements

§ 1492.25 General.

(a) Sections 1492.25 to 1492.43 contain the provisions under which an exporter who makes an export sale to a participant and who has entered into a commodity agreement with CCC may, after export of the commodity, receive payment from CCC for the export value of the commodity through the purchase by CCC of the exporter's account receivable for that portion of the export value of the commodity for which CCC will provide financing. CCC will issue commodity purchase authorizations pursuant to § 1492.13 which will authorize the participant or the participant's authorized agent to purchase eligible commodities from exporters.

(b) After export of the commodity, the exporter must furnish the applicable documents and certifications required by § 1492.31 to the address specified in § 1492.43(b)(2). If the documents and certifications are in order and acceptable to CCC, CCC will purchase only that portion of the exporter's account receivable for which the exporter has complied with the applicable provisions of this regulation and will make prompt payment to the exporter.

(c) The General Sales Manager reserves the right at any time and for any reason or cause whatsoever to supplement, modify, or revoke any commodity purchase authorization, including termination of commodity agreements made pursuant to such purchase authorization.

§ 1492.26 Submission of application for a commodity agreement.

(a) An exporter shall submit a written application (e.g. letter, telex, or TWX) to enter into a commodity agreement to the office specified in § 1492.43(b). If the application is made by telephone, it must be confirmed in writing. An application shall include the full business name and address of the exporter and the following information:

(1) Name and address of the participant and, if export is to be made to an agent of the participant, the name and address of such agent.

(2) The name of the importing country.

(3) Date of sale.

(4) Exporter's sale number.

(5) Delivery period.

(6) Kind and description of commodity.

(7) Quantity and sale contract tolerance, if applicable.

(8) The unit price and total export value of the commodity, including the value of the upward contract tolerance, if appropriate.

(9) The name and address of the intervening purchaser, if the commodity is to be sold through an intervening purchaser, and a statement that the sale of the commodity is or will be conditioned on its resale by the intervening purchaser to the participant and that the commodity will be shipped directly to the participant or to the participant's agent in the destination country.

(10) CCC purchase authorization number.

(11) Any additional information as determined by the General Sales Manager.

(b) Upon receiving an application complying with the applicable provisions of GSM-301, the General Sales Manager shall determine whether the application shall be approved. If approved, the General Sales Manager shall cause a commodity agreement to be issued to the exporter.

(c) An application may be approved as submitted, approved with modification, or rejected by the General Sales Manager.

§ 1492.27 Commodity agreements.

(a) The commodity agreement between the exporter and CCC shall consist of the exporter's application, the General Sales Manager's written acceptance of the application and the applicable terms and conditions of GSM-301, including any amendments or supplemental announcements thereunder which are in effect at the time the commodity agreement is issued to the exporter.

(b) The commodity agreement shall provide that CCC will purchase the exporter's account receivable after export of the commodity to the participant and upon submission to CCC of the applicable documents and certifications required by § 1492.31.

(c) The commodity agreement may contain such terms and conditions, not inconsistent with GSM-301, as the General Sales Manager deems necessary in the interest of CCC.

(d) An exporter shall promptly notify the General Sales Manager when he is unable to fulfill his obligations under a commodity agreement.

§ 1492.28 Amendments to commodity agreements.

The commodity agreement may be amended provided such amendment is in conformity with GSM-301 at the time of the amendment and the amendment is determined by the General Sales Manager to be in the interest of CCC.

§ 1492.29 Export periods.

The commodity shall be exported during the export period specified in the commodity agreement and purchase authorization unless the General Sales Manager agrees to an extension of such export period.

§ 1492.30 Partial payment by the participant.

Purchase authorizations issued pursuant to § 1492.13 shall specify that the project participant make at the time of export an initial down payment representing a portion of the export value of the commodity. The amount of the initial payment will be stated in the purchase authorization. The arrangement for payment of the amount of the export value not financed by CCC is a matter for agreement between the exporter and the participant.

§ 1492.31 Documents required after export.

(a) CCC will purchase an exporter's account receivable only if the documents specified in paragraphs (b) and (c) of this section are received by the Treasurer, CCC, within forty-five (45) days, or any extension thereof granted by the Treasurer, CCC, after the date of export of the commodity.

(b) The exporter shall submit a "Combined Application for Disbursement, Assignment of Account Receivable and Certification(GSM-301)" which shall include:

(1) A written application for disbursement showing: (i) the commodity agreement number; (ii) total export value of the commodity exported; and (iii) the value of the commodity for which payment is requested from CCC.

(2) An assignment of the account receivable, acceptable to CCC, arising from the export sale.

(3) A certification by the exporter which provides: (i) that the exporter has entered into an export sales contract with the participant to sell the commodity exported; (ii) the date of the sale; (iii) the kind, grade, quality, quantity, agreed upon price for the commodity and delivery terms of the sale; (iv) that the exporter has in the exporter's files documents evidencing the export sale contract and the obligation of the participant to the exporter for that portion of the value of the export sale for which CCC will purchase the exporter's account receivable, and that the exporter will retain and furnish such documents to CCC on demand until 3 years after the final date of export of the commodity under the export sale; (v) that the kind, grade, quality, and quantity of the commodity called for in the export sales contract and reported to CCC in the application for a commodity agreement has been exported to the participant; and (vi) that the exporter knows of no defenses to the account receivable to be assigned to CCC.

(4) A copy of the sales invoice to the participant or, if the commodity has been sold through an intervening purchaser, a copy of the intervening purchaser's sales invoice to the participant.

(c) The exporter shall furnish with the application for disbursement, the following evidence of export, as applicable:

(1) If the commodity is exported by ocean carrier, one non-negotiable copy of either (i) an onboard ocean bill of lading or (ii) an ocean bill of lading with an onboard endorsement, dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the kind and quantity of commodity, the date and place of loading the commodity, the name of the ocean carrier, the importing country, and the name and address of both the exporter and the participant, or if the export was made to an agent of the participant, the name and address of the agent.

(2) If the commodity is exported by aircraft, one non-negotiable copy of an airway bill, dated and signed or initialed on behalf of the carrier. The airway bill must be certified by the exporter as being a true copy and must show the kind and quantity of commodity, date and place of loading the commodity, the name of the airline, the destination country and the name and address of both the exporter and the participant, or if export was made to an agent of the participant, the name and address of the agent.

(3) If the commodity is exported by rail or truck, one copy of the bill of lading certified by the exporter as being a true copy, an authenticated landing certificate or similar document issued by an official of the government of the importing country showing the kind and quantity of commodity, the place and date of entry into the importing country, rail or truck identification, and the name and address of both the exporter and the participant, or if export was made to an agent of the participant, the name and address of the agent.

(4) If the consignee shown in the document provided for in paragraph (c) of this section is other than the participant named in the commodity agreement, the exporter shall furnish such additional information as the Treasurer, CCC, may request to show that export was made in accordance with the instructions of, or the export sale contract with the participant.

(5) For commodities transshipped through Canada via the Great Lakes or the St. Lawrence River, the exporter shall certify that the commodity transshipped was produced in the United States.

(6) A statement from a U.S. bank showing that the documents required under the letter of credit established by the participant in favor of the exporter for that portion of the export value of the commodity for which the participant will pay with the participant's own resources have been received by the U.S. bank and such documents are in order. If a letter of credit was not established by the participant in favor of the exporter, such other evidence acceptable to the Treasurer, CCC, showing that the participant, or the participant's agent, has accepted the commodity exported.

(7) If the exporter is unable to supply documentary evidence of export as specified in this section, the exporter may submit such other documentary evidence as may be acceptable to the Treasurer, CCC.

(d) On receipt of the documents described in paragraphs (b) and (c) of this section, the Treasurer, CCC, will promptly pay to the exporter, the amount of the account receivable for which CCC will finance.

(e) If an acceptable application for disbursement and the supporting documents described in paragraphs (b) and (c) of this section have not been received by the Treasurer, CCC, within 45 days from the date of delivery, or any extension thereof, the commodity agreement shall be null and void.

§ 1492.32 Assignments.

The exporter shall not assign any claim or rights or any amounts payable under the commodity agreement, in whole or in part, without written approval of the Controller, CCC.

§ 1492.33 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the commodity agreement on an agreement or understanding of a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, the General Sales Manager shall have the right, without limitation on any other rights the General Sales Manager may have, to cancel the commodity agreement without liability to CCC.

§ 1492.34 Exporter's records and accounts.

The General Sales Manager, or the General Sales Manager's authorized representative, shall have access to and the right to examine any directly pertinent books, documents, papers and records of the exporter involving transactions related to the financed export credit sale until expiration of three years from the date the last export was made under the commodity agreement.

Miscellaneous Provisions

§ 1492.35 Use of representatives.

The participant may designate one or more representatives or agents who may be given authority to request purchase authorizations under the project agreement on behalf of the participant and to execute any and all documents required to be furnished to the General Sales Manager by the participant.

§ 1492.36 Successors to rights of CCC.

If, by operation of any law of the United States or by virtue of assignment, any agency of the Government of the United States succeeds to the rights and obligations of CCC under a project agreement, such agency shall be deemed to be CCC for purposes of the project agreement.

§ 1492.37 Applicable law.

The project agreement shall be deemed to be a contract made under the laws of the United States and shall be governed by and construed in accordance with such laws.

§ 1492.38 Notice.

Any notice, request, or communication made by the General Sales Manager, CCC, or by the participant pursuant to the project agreement or by the exporter pursuant to the commodity agreement shall be in writing and shall be deemed to have been duly made to the other party when received by such other party by hand or by mail, telegram, cable, radiogram, or other method.

§ 1492.39 Officials not to benefit.

No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the project agreement with the participant or to the commodity agreement with the exporter or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the project agreement or to the commodity agreement if made with a corporation for its general benefit.

§ 1492.40 Purchasing agents employed by the participant.

Prior to entering into any agreement for the services of a United States person or firm as its agent to handle procurement of the commodities to be financed under the project agreement, the participant shall submit the name of the proposed purchasing agent and the agent agreement to the General Sales Manager for approval. The participant shall also obtain the approval of the General Sales Manager of any amendments to such agent agreement. The General Sales Manager will notify the participant in writing of its approval or disapproval of the proposed purchasing agent and of the proposed agent agreement or amendment thereto. A copy of the executed agent agreement and any amendment shall be furnished to the General Sales Manager.

§ 1492.41 Waiver.

Any failure or delay by CCC to exercise any of its rights, in whole or in part, under a project agreement or under a commodity agreement shall not constitute a waiver of any of such rights.

§ 1492.42 English language.

All documents, opinions, and certificates required to be furnished by the participant under a project agreement shall be furnished without cost to the General Sales Manager or to CCC, and, if not in the English language shall be accompanied by certified English translations.

§ 1492.43 Communications.

(a) *Project agreements.* (1) Unless otherwise provided, all written applications, requests, notifications, or communications by the participant pertaining to the project agreement shall be addressed to the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) Information to be furnished in an application for a project agreement, financing terms and interest rates currently in effect may be obtained from the General Sales Manager at the address provided in paragraph (a)(1) above.

(3) The participant shall make payment of the principal and interest and all other payments required to be made to CCC, as agreed to by CCC and the participant, to the Treasurer, Commodity Credit Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, unless otherwise instructed by CCC in writing.

(b) *Commodity agreements.* (1) Unless otherwise provided, all applications, both telephone and written, notifications, or communications by the exporter pertaining to the commodity agreement shall be addressed to the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) The exporter shall forward documents for financing to the U.S. Department of Agriculture, Commodity Credit Corporation, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C., September 26, 1980.

Kelly Harrison,

Vice President, Commodity Credit Corporation and General Sales Manager, Foreign Agricultural Service.

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BILLING CODE 3410-10-M

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7 CFR Part 1493

Guaranteeing Against Defaults by Foreign Banks; CCC Export Credit Guarantee Program USDA

AGENCY: Commodity Credit Corporation.

ACTION: Final rule.

SUMMARY: This rule sets forth the terms and conditions of Commodity Credit Corporation (CCC) Export Credit Guarantee Program (GSM-102) to provide protection to U.S. exporters or their assignees which must be banks or other financial institutions in the United States against payment defaults by foreign banks when purchases of U.S. agricultural commodities are made on a deferred payment basis.

The rule authorizes CCC to enter into payment guarantees with U.S. exporters upon payment of a fee. Usually the proceeds that may be due under the payment guarantee will be assigned to a U.S. bank that actually finances the export sale in order for the exporter to realize the proceeds of sale prior to the time the deferred payment comes due in accordance with the foreign bank's letter of credit or related obligation. By transferring the risk of loss due to defaults in payment by foreign banks from U.S. exporters and U.S. financing institutions to CCC, the rule is intended to: (1) facilitate exportation; (2) forestall or limit declines in exports; (3) permit exporters to meet competition from other countries; and (4) increase commercial exports of U.S. agricultural commodities.

EFFECTIVE DATE: September 25, 1980.

FOR FURTHER INFORMATION CONTACT: L. T. McElvain or Thomas A. Pomeroy, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-3224. The Final Impact Statement describing the options considered in developing this final rule and the impact of each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant". Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that compliance with the 30-day effective date notice requirement is impracticable and contrary to public interest.

On June 5, 1980, there was published in the **Federal Register** (45 FR 37854), a notice of proposed rulemaking setting forth the proposed Export Credit Guarantee Program regulations. Written comments were received from 36 commentators. A general discussion of the comments follows:

A. *General Comments*—CCC received a total of 36 responses to its Notice of Proposed Export Credit Guarantee Program (GSM-102), published in the **Federal Register** on June 5, 1980. Responses were submitted principally by exporters, bankers and shippers. A number of the respondents saw the proposed program as an improvement over GSM-101. Several respondents did, however, express concern about the possible requirement that banks retain risk on principal. Most of the heavy criticism of the proposal stemmed from a concern for the continuation of direct credit programs. Some commentators felt that implementation of the proposal could result in reduction or elimination of direct credit programs, including the Export Credit Sales Program (GSM-5), Intermediate Credit Export Sales Program for Breeding Animals (GSM-201), and Pub. L. 480, Title I.

One commentator suggested that the proposal should not be adopted because CCC has no mechanism for determining the credit-worthiness of foreign importers. CCC's coverage applies to the risk of default by a foreign bank and a default by the importer is of no direct concern to CCC. All transactions will be supported by a letter of credit from the importer's bank and the bank will be obligated to pay regardless of whether it receives payment from the importer. A list of foreign banks which have already been approved by CCC is available on request from the Treasurer, CCC. This list was requested by two respondents.

Several respondents felt that the proposal was a significant improvement over CCC's Non-Commercial Risk Assurance Program (GSM-101) because of the extension of coverage to commercial as well as non-commercial risk. Two commentators suggested that the proposed regulations should define commercial and noncommercial risks and that CCC should offer 100 percent coverage for political risk. One of the commentations wanted CCC to take all of the political and commercial risk on principal and offer interest coverage up to the Federal Reserve Discount Rate. The commentator felt most strongly however, that CCC should offer 100 percent political risk coverage on principal. One commentator suggested that it would not necessarily object to a 2 percent principal risk retention but to aid in planning purposes would like assurance that CCC would not increase principal risk retention above 2 percent.

CCC will have the authority to offer coverage on 100 percent of the port value plus accrued interest up to the bond equivalent rate of the most recent 52-week Treasury bill auction average as published by the Department of Treasury. It is expected, however, that CCC will normally provide coverage for less than the maximum authority. The interest rate coverage and percentage of principal coverage will be specified in the press release which announces the availability of payment guarantees and the percentages will be applicable to all payment guarantees issued under the announcement.

CCC referred to commercial risk, to differentiate the new program from the GSM-101 Program, which covers non-commercial risk only. Nevertheless, there will be no definition of commercial or non-commercial risk in the new program, since CCC's coverage will be applicable to a default without distinction as to the type of risk involved.

Although the majority of respondents felt that the program would be an effective export-promotion tool, a number of commentators felt that there was a relationship between the adoption of the guarantee program and the reduction of direct credit programs such as PL 480, Title I, GSM-5 and GSM-201.

B. *Export Credit Sales Program*—A number of respondents made comparisons between CCC's Export Credit Sales Program (GSM-5) and the proposed guarantee program. Two commentators supported the reduction of direct credit in favor of guarantees, but seven repondents felt that the GSM-102 Program was not an effective substitute for the GSM-5 Program. With one exception, the latter respondents suggested that GSM-102 would be an effective supplementary export promotion tool, but they objected to the prospect of elimination of direct credit through GSM-5. A major advantage cited in the GSM-5 Program was the possibility of offering interest rates below U.S. market levels in order to meet competition from foreign suppliers. Other reasons given by commentators for favoring GSM-5 over GSM-102 included a preference in some countries for borrowing directly from the U.S. Government, difficulties in long-term planning due to lack of certainty about program levels, requirements that banks retain risk under GSM-102, and the requirement for paying a guarantee fee.

C. *Intermediate Export Credit Sales Program for Breeding Animals*—One repondent objected strongly to the lack of funding for the Intermediate Export Credit Sales Program for Breeding Animals (GSM-201). The commentator said that the guarantee program would not substitute for either short-term or intermediate term direct credit and that banks might be unwilling to finance small transactions. However, the respondent proposed that if no funding is to be provided for direct credit, the guarantee program should be revised to

permit financing of freight and credit terms of up to 10 years. Two other respondents also suggested that the guarantee program should cover freight as well as the port value and one suggested a 5-year maximum credit period for livestock.

In general, CCC feels that the GSM-102 will be able to substitute effectively for GSM-5 in most cases, but adoption of the program is not tied directly to the issue of budget levels for direct credit programs. GSM-102 was intended as an improvement over GSM-101 and the question of the proper budget level for GSM-5 and GSM-201 cannot be dealt with in this forum. If a decision is made to adopt an intermediate term guarantee program for breeding animals, this would be a new and distinct program.

D. *Cargo Preference*—CCC received 12 comments which called for the application of the Cargo Preference Act to the GSM-102 Program. Most of these respondents focused on a statement in the preamble of the proposal that for certain countries with improved financial conditions, the guarantee program would permit a switch from purchases on concessional terms to sales on commercial terms. This statement may have given a false impression that the proposal was intended to result in reduction of the program level for Pub. L. 480, Title I.

Use of the GSM-102 Program will not result in a diminished Pub. L. 480 Program. CCC faces yearly demands for Pub. L. 480 concessional financing far in excess of budgeted levels and CCC could easily utilize as high a program level as Congress wished to authorize. A few countries have improved their economies substantially in recent years and no longer meet the per capita GNP limitations under Pub. L. 480. GSM-102 may help some such countries make the transition to purchases on cash terms.

Many other countries will face a continued need for Pub. L. 480 Title I imports. Countries receiving Title I credit usually are required to maintain commercial imports (Usual Marketing Requirements—UMR) in order to qualify for Title I. Purchases under GSM-102 would qualify as commercial imports to meet UMR requirements. In addition, poor countries desperately in need of food sometimes are forced to purchase for cash or on commercial credit terms because of the unavailability of foreign aid, but this may be a temporary stop-gap measure. CCC does not seek to diminish the level of Pub. L. 480, Title I, but it does seek to optimize use of that program. Countries that are able to purchase for cash or on commercial credit terms should be encouraged to do so in order to permit utilization of Pub. L. 480 concessional financing by countries most in need of food assistance.

The availability of CCC guarantees for commercial financing will have no effect on the aggregate availability of funding for Pub. L. 480. Although there will be controls on the total program level for guarantees, the contingent liabilities are not aggregated with budgeted funds and thus do not compete with Pub. L. 480 or other budgeted programs.

A number of the commentators arguing for the application of cargo preference to the proposed program suggested that because the CCC program benefits foreign buyers and permit them to make purchases which otherwise they could not make, the program is concessional and thus should be subject to the Cargo Preference Act. Clearly, the program would be without value if it provided no benefits to foreign buyers, but we do not agree that it is concessional. Sales under the program are in sharp contrast to Pub. L. 480 sales. Under Pub. L. 480, USDA oversees the purchase of the commodities, credit terms may be as much as 40 years with a 10-year grace period and interest rates of 2 percent during the grace period and 3 percent thereafter. In contrast, under the guarantee program the purchase is completely private, interest rates are at commercial levels and maximum credit terms are 3 years with equal annual payment of principal plus accrued interest. Purchases under the GSM-102 Program are more similar to cash purchases than to Pub. L. 480 purchases. Furthermore, CCC guarantees cover only the port value and not the cost of ocean freight.

Under Pub. L. 480 the concessional element is so strong that buyers will put up with the inconvenience of an obligation to use U.S. ships. Substantial restitutions are made to foreign buyers for the differential between U.S. and foreign shipping costs, but other inconveniences remain, including the unavailability of suitable vessels. Under CCC commercial export credit programs, the leverage of CCC over the foreign buyers, and in some cases the margin of advantage over foreign competitors is thin. Even supposing that funds could be budgeted to undertake a massive restitution of freight differentials to foreign buyers, the application of cargo preference would eliminate many U.S. sales where the advantage is thin, precisely where the program is most needed. Application of cargo preference requirements to GSM-102 would destroy most of the program's effectiveness.

E. Specific Comments

1. *Section 1493.1(a)—Acceptances*—Several respondents commented on the use of the word "acceptance" in § 1493.1, saying that acceptances should not be required. Although acceptances may arise under the program, it was not intended that banks be required to create acceptances. Consequently, CCC has decided to delete the word "acceptance".

2. *Section 1493.2(g)—Eligible Exporter*—One commentator suggested that the assignee should not have to be concerned about whether the exporter was eligible after issuance of the assurance agreement. Since CCC approves the exporter's application at the time of the sales registration and the exporter performs under the contract prior to presentation of documents to the assignee, CCC anticipates no problems for assignees in this regard. Also, see point 8 below.

3. *Section 1493.2(i)—Letter of Credit*—Several commentators wanted clarification of the term "related obligation", and asked whether sight letters of credit could be used, and whether promissory notes should be required. Some confusion may have arisen from the problem of acceptances (see above). A deferred payment letter of credit may be used as mentioned in § 1493.2(i)(1). Alternatively, a sight letter of credit supported by a related obligation may be used, as provided in § 1493.2(i)(2). In the latter case, the bank is responsible for determining that the related obligation is assignable to CCC and meets other conditions in the event of default.

4. *Section 1493.4(b)—Expiration of Payment Guarantees; Bill of Lading Date*—One respondent felt that the regulations should clearly indicate that the 3-year limit after export refers to payment due dates and that collection under a payment guarantee could occur later than that date. CCC agrees to change the language "until the end of" to the language "with respect to payments due during" in order to clarify this matter.

Another commentator felt that it should be made clear that the bill of lading date is the relevant date in this section. CCC feels that no change is needed because the date of export is clearly tied to the bill of lading date in § 1493.2(c).

5. *Section 1493.4(c)—Percentage Coverage of Principal and Interest*—One commentator expressed concern about the payment guarantees containing different principal and interest percentage coverage for different payment guarantees involving

the same country. It is CCC's intention to specify principal and interest coverage in the press release announcing the availability of guarantees, and the coverage offered will be the same for all guarantees listed under the announcement.

6. *Section 1493.4(d)—Amendments After Assignment of Payment Guarantee*—Two commentators expressed concern that exporters could amend or cancel the payment guarantee without the assignee's consent. Generally, assignment of the payment guarantee will occur prior to export of the commodity. After assignment, the exporter may have to make amendments in the payment guarantee, such as changes in the shipping date. Requiring a joint request from the exporter and the assignee for such amendments could cause significant time delays. CCC feels that the assignee banks would want to prevent such amendments only after the exporter has been paid by the assignee bank. The bank is in the best position to determine when this payment to the exporter is made and can control the exporter through a condition in the instrument of assignment. CCC will require the release of assignments prior to cancelling the payment guarantees which have been assigned.

One commentator asked if assignee banks could amend the payment schedule, which is part of the payment guarantee. The proposed regulations provided that the payment guarantee could be amended only by "the parties thereto," a description which would not include assignee banks. After considering this matter, CCC has decided that assignee banks should be permitted to calculate the payment schedule to be submitted by the exporter, or to correct errors in the payment schedule submitted by the exporter. Therefore, § 1494.4(d) has been changed to permit assignees to submit corrections for payment schedules.

7. *Section 1493.7—Report of Export*—Two commentators suggested that 20 days was not long enough for submission of the report of export. One commentator suggested that the exporters should be given 30 days, while another suggested that CCC should send out a warning after 20 days and then permit an additional 20 days prior to voiding the agreement. The latter commentator also said that the regulations should specify "business" days. To avoid confusion, CCC has decided that the time period should be amended to 30 calendar days and has amended paragraph (a) of this section, accordingly, in the final rule.

Several commentators were concerned about the requirement to submit an estimated report on the payment schedule at the time of registration and another report after export. One commentator suggested that in the final payment schedule, CCC not require reporting of the amounts of interest due, since these amounts are generally based on floating interest rates and thus not correct, and also are difficult to calculate. The commentator suggested that if Treasury required the full amounts of interest due, it should establish the rate to be used, in order to achieve more accuracy and in order to alleviate a burdensome reporting requirement that serves no useful purpose.

CCC has decided to delete the requirement for estimated interest payments in the exporter's original application. However, the exporter will still be required to report principal amounts and estimated due dates when applying for a payment guarantee. Principal payments will not be difficult to estimate since the exporter must possess this information in order to calculate the guarantee fee. CCC will continue to require the report of both principal and interest payments in the final payment schedule submitted after export. This report is necessary both to establish CCC's liability in the event of default and to comply with reporting requirements established by the Department of Treasury.

One commentator suggested that exporters should be required to certify that there has been no default with regard to the export credit sales contract. CCC feels that the exporter's certifications in paragraph § 1493.7(a)(6) meet this concern.

8. *Section 1493.7(b) and Section 1493.12—Voting of Assurance Agreement After Assignment*—Five commentators expressed concern that CCC may void the guarantee after assignment because of actions or inaction by the exporter, including failure to file the report after export, false statements, etc. In some cases the effect would be to punish the assignee bank for actions over which the bank had no control or knowledge. This seemed to be a major reason for some banks to resist participation in the program, since it called into question whether credits were exempt from banks' internal and legal lending limits.

CCC feels that the final report of export is of extreme importance, since it establishes the payment schedule which CCC is covering. The bank can require the exporter to submit the report of export through the bank. The exporter must make the certification, but the bank, if it wishes, may calculate the payment schedule and attach it to the exporter's report. Thus, the bank can and should be interested in the submission of this report.

CCC does appreciate, however, the inconvenience resulting from the possibility of voiding of the payment guarantee due to actions or statements by the exporter over which the assignee bank has no knowledge or control. Consequently, CCC has decided that in the case of breaches of such obligations and warranties after the assignee has purchased the exporter's account receivable, CCC will proceed against the exporter rather than voiding the payment guarantee. CCC will amend § 1493.12 in order to protect the assignee for any shipments already made under the payment guarantee. CCC will, however, void payment guarantees for breaches of warranties with respect to shipments which have not yet occurred, or assignments which have not yet been acknowledged.

9. *Section 1493.8(b)—Exporter's Sale Contract* (also § 1493.2(k))—Several commentators questioned the need for the export sales contract in submission of claims to CCC and requested that the document be defined. One commentator suggested that all relevant information was included in the letter of credit. Others suggested that the contract was burdensome to receive, examine and retain in the files. The concern focused particularly on the fact that the assignee is required to submit the export credit sales contract in the event of default, as provided in § 1493.8(b).

Sales contracts and other documents pertaining to the sale should be retained in the exporter's files and are subject to examination by CCC. Nevertheless, CCC does not feel that the sales contract will be essential to determine CCC's liability to an assignee bank in the event of default. Consequently, CCC has deleted this document from the list of documents which must be submitted in § 1493.8(b).

10. *Section 1493.8(b)—Bill of Lading*—One commentator suggested that the requirement to submit an onboard bill of lading in the event of default was also burdensome. CCC does not agree and feels that this document is necessary.

11. *Section 1493.9—Payment of Loss*—Several respondents questioned the wording of this section regarding (1) notification of assignees as well as exporters, (2) whether the language on determinations by CCC was needed (3) and whether payment would be made within 60 days to conform with New York banking requirements to qualify the payment guarantee as a U.S. Government risk. CCC will make determinations promptly and has deleted language which would suggest a

31-day delay in accruing interest. Claimants will receive payment promptly after filing.

Two respondents suggested that payment of interest should accrue from the day of default, a procedure which would avoid encouraging early filing of notices and claims. CCC does want to have notice of default filed within 10 days of default. CCC feels that interest should not accrue prior to the submission of required documents by the bank but intends to make payment promptly after the filing of such documents. Interest will begin to accrue the day after the claim is filed. The regulations have been changed, accordingly.

12. *Section 1493.9 (b)—Other Collectible Coverage*—One respondent objected to the reduction of the liability in case the exporter has obtained other valid and collectible coverage for the loss. CCC did not feel that any change was justified since the regulations specify that the other coverage must be "collectible".

13. *Section 1493.9 (c)—Acceleration of Payments*—Two respondents felt that CCC should allow for the possibility of permitting acceleration of payments rather than requiring the assignee to wait until the payment due dates for reimbursement from CCC. CCC has added language to this section to permit it to call for acceleration if it determines that this is in CCC's interest, and, at its option, to declare the entire amount of the unpaid balance in default and to make payment to the exporter or the exporter's assignee.

14. *Section 1493.11 (a)—Assignment*—One commentator asked for clarification as to whether the assignee was permitted to sell participations in the account receivable to other banks, recognizing that the regulations would not permit the payment guarantee itself to be reassigned. The regulations do not prohibit sale of such participations.

Two commentators suggested that CCC develop a uniform form to be used when the proceeds of the payment guarantee are assigned by the exporters. CCC is in the process of preparing a standard notice of assignment. This notice will contain all information required by CCC and the instrument of assignment will be deleted as a requirement.

F. *Additional Changes in Proposal*—CCC made several additional changes in the GSM-102 proposal as a result of internal analysis and review. Among the more important of these changes were the following:

(1) *Branch banks*—In § 1493.4 (e) CCC decided to specify that branch or agency banks may not receive assignment of a guarantee protecting them against defaults by their home office, or vice versa. This represents a clarification of a point which was intended in the proposal.

(2) *Treasury bill rate*—CCC decided to tie its maximum permissible interest coverage and the rate of interest due in case of delayed payment of claims to the Treasury bill rate instead of the Federal Reserve discount rate. The Treasury bill rate is more appropriate, since it is a market rate, as opposed to an administered rate. The bond equivalent of the Treasury bill rate was chosen because Treasury bills are sold at discount and the bond equivalent rate was felt to be more comparable to GSM-102 transactions.

Accordingly, 7 CFR Chapter XIV, Commodity Credit Corporation, Subchapter C—Export Programs, is amended by adding a new part 1493—CCC Export Credit Guarantee Program (GSM-102) and a new Subpart A as follows:

PART 1493—CCC EXPORT CREDIT GUARANTEE PROGRAM (GSM-102)

Subpart A—Guaranteeing Against Defaults by Foreign Banks

General

Sec.
1493.1 General Statement.
1493.2 Definition of Terms.

Guarantees Against Defaults

1493.3 Application for Payment Guarantee.
1493.4 Payment Guarantee.

Guarantee Rates and Fees

1493.5 Guarantee Rates.
1493.6 Guarantee Fee.

Documents Required After Export

1493.7 Evidence of Export.

Losses Caused by Defaults

1493.8 Notice of Default.
1493.9 Payment of loss.
1493.10 Recovery of losses.

Miscellaneous Provisions

1493.11 Assignment.
1493.12 Covenant Against Contingent Fees.
1493.13 Officials Not to Benefit.
1493.14 Exporter's Records and Accounts.
1493.15 Communications.

Authority: Sec. 5(f), 62 Stat. 1072 (15 U.S.C. 714c(f)).

Subpart A—Guaranteeing Against Defaults by Foreign Banks

General

§ 1493.1 General statement.

(a) This part contains the regulations governing the Commodity Credit Corporation (CCC) Export Credit Guarantee Program, also referred to herein as "GSM-102". Exporters of U.S. agricultural commodities usually require importers to guarantee payment of the selling price of commodities sold to such importers. The guarantee may be in the form of (1) an irrevocable foreign bank letter of credit issued in favor of the exporter who may draw drafts for the deferred payments to be presented to the foreign bank as such payments become due; or (2) an irrevocable foreign bank letter of credit which authorizes the exporter to draw drafts on a U.S. correspondent bank of the foreign bank. The exporter may assign the account receivable to a U.S. bank or financial institution so that the exporter may realize the proceeds of the sale prior to the deferred payment dates, as called for in the export credit sale. GSM-102 is designed to protect the exporter or the exporter's assignee against loss from defaults in payment due to commercial and non-commercial risks under (i) the letter of credit issued by the foreign bank to secure payments called for by the export credit sales agreement, or under (ii) the foreign bank's obligation owed to the assignee U.S. bank which is related to the letter of credit issued by the foreign bank in favor of the exporter. By transferring the risk of loss due to defaults in payment by foreign banks from the exporters and their financing institutions to CCC, GSM-102 is intended to: facilitate exportation; forestall or limit declines in exports; permit exporters to meet competition from other countries; and increase commercial exports of U.S. agricultural commodities.

(b) GSM-102 will be administered by the General Sales Manager, Foreign Agricultural Service (FAS), U.S. Department of Agriculture.

(c) The provisions of Public Law 83-664 (Cargo Preference Act) are not applicable to shipment of commodities covered under GSM-102 protection.

(d) GSM-102 may be supplemented by USDA announcements.

§ 1493.2 Definition of terms.

(a) "Assistant General Sales Manager" means the Assistant General Sales Manager, Export Credits, Foreign Agricultural Service, or designee of the Assistant General Sales Manager.

(b) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(c) "Date of export" means the onboard date of an ocean bill of lading or airway bill or onboard ocean carrier date of an intermodal bill of lading, or if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document

issued by an official of the government of the importing country.

(d) "Date of sale" means the earliest date the exporter has knowledge that a contractual obligation exists with the importer under which a firm dollar-and-cent price has been established or a mechanism to establish the price has been agreed upon.

(e) "Eligible interest" means the maximum amount of interest which CCC agrees to pay the exporter as indicated in CCC's payment guarantee. Eligible interest will be shown in the payment guarantee and shall not exceed the bond equivalent rate of the most recent 52-week Treasury bill auction average which has been published by the Department of Treasury, as determined at the time CCC receives the exporter's application for a payment guarantee.

(f) "Exported value" means the value of the commodity exported under the payment guarantee basis f.a.s. or f.o.b. points of export.

(g) "Exporter" means an individual, group of individuals, partnership, corporation, association, cooperative, or any other entity that is: (1) financially responsible; (2) engaged in the business of buying or selling commodities for export and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States; and (3) not suspended or debarred from contracting with or participating in any program administered by CCC on the date of issuance of the payment guarantee.

(h) "FAS" means the Foreign Agricultural Service, U.S. Department of Agriculture.

(i) "Foreign bank letter of credit" means: (1) an irrevocable commercial letter of credit providing for deferred payments and issued in favor of the exporter by a CCC-approved banking institution pursuant to an export credit sale requiring payment in U.S. dollars; or (2) an irrevocable commercial letter of credit issued in favor of the exporter by a CCC-approved banking institution pursuant to an export credit sales requiring payment in U.S. dollars, which is supported by a related obligation providing for deferred payment in U.S. dollars from the banking institution issuing the letter of credit to a financial institution in the United States.

(j) "Guaranteed value" means the maximum amount CCC agrees to pay the exporter under CCC's payment guarantee, exclusive of interest. The guaranteed value will be shown in the payment guarantee.

(k) "Importer" means a foreign buyer who enters into an export credit sale contract with a U.S. exporter, or with an intervening purchaser, providing for shipment directly from the United States to the foreign buyer.

(l) "Payment guarantee" means the written agreement under which CCC undertakes, for a period not exceeding 3 years after export, to protect the exporter or the exporter's assignee from losses due to defaults in payment by a foreign bank under the foreign bank's letter of credit supporting the exporter's export credit sales contract or under the foreign bank's obligation owed to the assignee U.S. bank related to the foreign bank's letter of credit issued in favor of the U.S. exporter.

(m) "Port value" means the total value of the export credit sale, less any discounts or allowances, basis f.a.s. or f.o.b. at U.S. points of export. Such value shall include the amount of the upward loading tolerance, if any, as provided for by the export credit sales contract.

(n) "USDA announcement" means an announcement issued by the U.S. Department of Agriculture supplementing these regulations. An announcement may include identification of eligible agricultural commodities and countries, dollar limitation of CCC exposure in a country and other information.

Guarantee Against Defaults

§ 1493.3 Application for payment guarantee.

(a) An exporter shall submit a written appliction (e.g., letter, telex, or TWX) for a payment guarantee to the USDA office specified in § 1493.15. An application may be made by telephone but, if so made, it must be confirmed in writing. An application shall include the full business name and address of the exporter and the following:

(1) Name of the destination country.

(2) Name and address of importer.

(3) Intervening purchaser, if any, and a statement that the commodity will be shipped directly to the foreign importer in the destination country.

(4) Date of sale.

(5) Exporter's sale number.

(6) Delivery period.

(7) Kind and description of the commodity.

(8) Quantity.

(9) Contract loading tolerance.

(10) Port value, including upward loading tolerance.

(11) Guaranteed value.

(12) Guarantee fee.

(13) The name and address of the foreign bank issuing the letter of credit.

(14) Estimated payment schedule for each shipment to be made under the export credit sale showing estimated principal payment due dates and amounts due.

(b) An application for a payment guarantee may be approved as submitted, approved with modifications, or rejected by the Assistant General Sales Manager. In the event the application is approved, the Assistant General Sales Manager shall cause a payment guarantee to be issued in favor of the U.S. exporter.

§ 1493.4 Payment guarantee.

(a) The payment guarantee shall provide that CCC will pay the U.S. exporter or the exporter's assignee in U.S. dollars for losses resulting from the failure of the foreign bank which issues the bank letter of credit securing the export credit sale to honor drafts drawn upon it or otherwise to remit amounts properly due the exporter or the exporter's assignee.

(b) The payment guarantee shall become effective on the date(s) of export(s) of the agricultural commodities sold by the exporter to the importer and continue in force with respect to payments due during the period covered by the final payment schedule not exceeding 36 months from the dates of such export(s). Exports made prior to receipt by CCC of a telephonic or written application for a payment guarantee or exports made after the final date for export shown on the payment guarantee or amendment thereof are ineligible for GSM-102 coverage, except where it is determined by the Assistant General Sales Manager to be in the interest of CCC.

(c) The payment guarantee may contain such terms, conditions, and limitations not inconsistent with GSM-102 as are deemed necessary or desirable by the Assistant General Sales Manager.

(d) The payment guarantee may be amended by the parties thereto, provided that such amendment is in conformity with GSM-102 at the time the amendment is approved. Amendments may include a change in the credit period or an extension of time to export. Any amendment to the payment guarantee may be subject to an increase in the guarantee fee. The assignee may submit corrections to the payment schedule.

(e) The assignee shall not be a branch, agency or the home office of the foreign bank issuing the letter of credit.

Guarantee Rates and Fees

§ 1493.5 Guarantee rates.

The payment guarantee rates will be based upon the length of the payment terms provided by the export credit sale contract, the degree of risk that CCC

assumes as determined by CCC, and any other factors which CCC believes should be considered. Guarantee rates charged by CCC under GSM-102 will be available upon request from the USDA office specified in § 1493.15.

§ 1493.6 Guarantee fee.

(a) The guarantee fee will be computed on the basis of the guarantee rate and the guaranteed value.

(b) The exporter shall remit, with his written application (e.g., letter, telex, or TWX), the full amount of the fee. If the application is submitted by telephone, final approval will not be given until the fee and a written application have been received by CCC. Approval of the application will be final and refund of the guarantee fee will not be made after approval unless the Assistant General Sales Manager determines that such a refund will be in the interest of Commodity Credit Corporation.

(c) If the application for a payment guarantee is not approved or is approved only for a part of the coverage requested, a full or pro rata refund of the remittance will be made. The guarantee fee shall be made payable to CCC and mailed to the office specified in § 1493.15.

Documents Required After Export

§ 1493.7 Evidence of export.

(a) The exporter shall provide a written report to the office specified in § 1493.15 within 30 calendar days following each export covered under the payment guarantee. This report shall include the following:

(1) Payment guarantee number.

(2) Date of export.

(3) Exporter's sale number.

(4) Exported value.

(5) Kind, quantity, and description of the commodity exported.

(6) Statement that the agricultural commodities of the grade, quality, and quantity called for in the exporter's sales contract with the foreign importer have been exported to the country specified in the payment guarantee.

(7) A statement that the exporter has documents evidencing the obligation of the foreign importer and that such documents will be retained until three years after the final installment due date as called for in the payment guarantee.

(8) A statement that a letter of credit has been opened in favor of the exporter by the foreign bank shown in the payment guarantee to cover the port value of the commodity exported.

(9) A final payment schedule showing the payment due dates and the amounts due, separately for both the principal and the interest for which credit has been extended to the importer. If the interest to be paid is based on a variable rate, estimated interest amounts may be shown.

(b) If the report required by paragraph (a) of this section is not received by CCC within 30 calendar days after the date of the export, the payment guarantee shall become null and void with respect to defaults in payment applicable to such export. This provision may be waived by the Assistant General Sales Manager, if it is determined to be in the interest of CCC.

Losses Caused by Defaults

§ 1493.8 Notice of defaults.

(a) If the foreign bank issuing the letter of credit fails to make a remittance pursuant to the terms of the foreign bank letter of credit or related obligation, the exporter or the exporter's assignee shall notify CCC at the address indicated in § 1493.15, by phone or wire if payment is not received within 10 days of due date, or any extension thereof by the Treasurer, of Assistant Treasurer, CCC. If made by phone it must be confirmed in writing. The notice shall include the payment guarantee number, the amount due, the date of refusal to pay and reason for the default, if known.

(b) Within 30 days after the notice of default, or any extension thereof by the Treasurer, of Assistant Treasurer, CCC, the exporter or the exporter's assignee shall file a claim for loss to the Treasurer, CCC, with the following information and documents:

(1) Payment guarantee number

(2) A certification that the scheduled payment has not been received

(3) A copy, certified as true and correct by the exporter or the exporter's assignee, of each of the following:

(i) Foreign bank letter of credit securing the export credit sale and, if applicable, the obligation owed by the foreign bank to the assignee U.S. bank which is related to the foreign bank's letter of credit issued in favor of the exporter.

(ii) Ocean carrier or intermodal bill(s) of lading with onboard ocean carrier date for each shipment, or airway bill, or if exported by rail or truck, landing certificate or similar document.

(iii) Invoice(s) showing the exported value of the commodity.

(iv) An instrument, in form and substance satisfactory, to CCC, subrogating to CCC their respective rights for the amount of payment in default under the applicable export credit sale. If there is an intervening purchaser both the exporter's invoice to the intervening purchaser and the invoice to the foreign buyer should be included.

(c) A claim for a loss by the exporter or the exporter's assignee shall not be honored if it is made later than six months from the date of default.

§ 1493.9 Payment of loss.

(a) Upon receipt of the information and documents in good order, as required under § 1493.8, CCC shall determine whether or not a loss has occurred for which CCC is liable under the applicable payment guarantee and these regulations. If CCC determines that it is liable to the exporter and/or the exporter's assignee, CCC will remit to the exporter or the exporter's assignee the amount of the combined principal and interest loss covered by the payment guarantee plus interest at the latest rate of the bond equivalent of the 52-week Treasury bill auction average which has been published by the Department of Treasury as of the date of default. Interest shall accrue beginning with the first day after the exporter's or the exporter's assignee's claim was received by CCC and continuing to the date payment is made by CCC.

(b) CCC's maximum liability will be limited to the lesser of (1) guaranteed value as shown in the payment guarantee plus eligible interest or (2) the percentage of the exported value as specified in the payment guarantee, plus eligible interest. The liability of CCC shall be reduced to the extent that the exporter has obtained other valid and collectible coverage for such loss.

(c) CCC shall only honor claims for losses on amounts not paid as scheduled. CCC shall not honor claims for amounts due under an accelerated payment clause in the export credit sales contract, the foreign bank's letter of credit, or any obligation owed by the foreign bank to the assignee U.S. bank which is related to the foreign bank's letter of credit issued in favor of the exporter, unless it is determined to be in the interest of CCC by the Assistant General Sales Manager. Notwithstanding the foregoing, CCC, at its option may declare the entire amount of the unpaid balance plus accrued interest in default and make payment to the exporter or the exporter's assignee in addition to such other claimed amount as may be due from CCC.

§ 1493.10 Recovery of losses.

(a) Upon payment of loss to the exporter or the exporter's assignee, CCC will notify the importer and/or the foreign bank of CCC's rights under the subrogation agreement to recover all monies in default.

(b) In the event monies for the defaulted payment are received by the

exporter or the exporter's assignee from the importer, foreign bank or any other source whatsoever, such monies shall be immediately paid to the Treasurer, CCC.

(c) Recoveries made by CCC from the importer or foreign bank and recoveries received by CCC from the exporter or the exporter's assignee or any other source shall be allocated by CCC to the exporter or the exporter's assignee and CCC on a pro rata basis as their respective interest may appear. The respective interest of each party shall be determined on a pro rata basis, based on the combined amount of principal, plus interest.

(d) Notwithstanding any other terms of the payment guarantee, the exporter shall be liable to CCC for any amounts paid by CCC under the payment guarantee when and if it is determined by CCC that the exporter has been or is in breach of any contractual obligation, certification or warranty made by the exporter for the purpose of obtaining the payment guarantee or in fulfilling obligations under the GSM-102 Regulations.

(e) Upon payment of a claim to the exporter or the exporter's assignee, the exporter or the exporter's assignee shall cooperate with CCC to effect recoveries from the foreign bank and/or the importer.

Miscellaneous Provisions

§ 1493.11 Assignment.

(a) The exporter may make an assignment of the proceeds payable by CCC under the payment guarantee or the rights thereto only to a bank or other financing institution in the United States. The assignment shall cover all amounts payable under the payment guarantee not already paid and shall not be made to more than one party, and shall not be subject to further assignment, unless approved in advance by CCC. Any such assignment may be made to one party as agent or trustee for two or more parties participating in the financing.

(b) An original and two copies of the written notice of assignment signed by the parties thereto must be filed by the assignee with the Treasurer, CCC, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

(c) Receipt of the notice of assignment shall be acknowledged by an officer of CCC.

§ 1493.12 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the payment guarantee or that there is any agreement or understanding for commission, percentage, brokerage, or contingent fee, except in the case of bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this or other obligations or warranties undertaken by the exporter in regard to a GSM-102 Payment Guarantee, CCC shall have the right notwithstanding other rights provided under these regulations, to annul coverage for any commodities not yet shipped and/or to proceed against the exporter.

§ 1493.13 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the payment guarantee or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the payment guarantee if made with a corporation for its general benefit.

§ 1493.14 Exporter's records and accounts.

Authorized officials of USDA shall have access to and the rights to examine any pertinent books, documents, papers, and records of the exporter and/or the exporter's assignee involving transactions related to the export credit sale covered by the payment guarantee until 3 years after expiration of the coverage of the payment guarantee.

§ 1493.15 Communications.

Unless otherwise provided, written requests, notifications, or communications concerning the payment guarantee shall be addressed to the Assistant General Sales Manager, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

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

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

Signed at Washington, D.C. on September 24, 1980.

Kelly Harrison,

Vice President, Commodity Credit Corporation and General Sales Manager, Foreign Agricultural Service.

[FR Doc. 80-30629 Filed 9-30-80; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Brucellosis Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments add the county of Wilson in Kansas and the counties of Ellis and Jackson in Oklahoma to the list of Certified Brucellosis-Free Areas and delete them from the list of Modified Certified Brucellosis Areas. It has been determined that these counties qualify to be designated as Certified Brucellosis-Free Areas. The effect of this action will allow for less restrictions on cattle moved interstate from these areas.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8713.

SUPPLEMENTARY INFORMATION: A complete list of brucellosis areas was published in the **Federal Register** (45 FR 44253-44256) effective July 1, 1980. These amendments add the county of Wilson in Kansas and the counties of Ellis and Jackson in Oklahoma to the list of Certified Brucellosis-Free Areas in § 78.20 and delete these counties from the list of Modified Certified Brucellosis Areas in § 78.21, because it has been determined that such counties now come within the definition of a Certified Brucellosis-Free Area contained in § 78.1(1) of the regulations. This list is updated monthly and reflects actions taken under criteria for designating areas according to brucellosis status.

Accordingly, Part 78, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 78.20 [Amended]

1. In § 78.20, paragraph (b) is amended by adding: *Kansas.* Wilson; *Oklahoma.* Ellis, Jackson.

§ 78.21 [Amended]

2. In § 78.21, paragraph (b) is amended by deleting: *Kansas.* Wilson; *Oklahoma. Ellis, Jackson.*

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f, 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25)

The amendment designating areas as Certified Brucellosis-Free Areas relieves restrictions presently imposed on cattle

moved from the areas in interstate commerce.

The restrictions are no longer deemed necessary to prevent the spread of brucellosis from such areas and, therefore, the amendment should be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions.

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 Paul Becton, Director, National Brucellosis Eradication Program, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement at this time.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

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

Pierre A. Chaloux,

Deputy Administrator Veterinary Services.

[FR Doc. 80-30503 Filed 9-30-80; 8:45 am]

BILLING CODE 3410-34-M

CIVIL AERONAUTICS BOARD

14 CFR Part 287

[E. R. Amdt. No. 13 to Part 287; Regulation ER-1199]

Exemption and Approval of Certain Interlocking Relationships

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating as no longer needed the exemption from section 409 of the Federal Aviation Act (unlawful interlocking relationships) for air carriers with respect to any interlocking relationship with a commercial lending institution. An annual report in conjunction with this exemption is also being eliminated. This rule is at the CAB's own initiative.

DATES: Effective: September 30, 1980; Adopted: September 24, 1980.

FOR FURTHER INFORMATION CONTACT: Curtis B. Maloy, Chief, Special Authorities Division, Bureau of Domestic Aviation, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5088.

SUPPLEMENTARY INFORMATION: Before passage of the Airline Deregulation Act of 1978 (Pub. L. 95-504), section 409(a) of the Act stated that interlocking relationships between air carriers and persons engaged in any phase of aeronautics, unless approved by order to the Board, were unlawful. By 14 CFR 287.3a the Board has exempted air carriers from the requirements of section 409(a) with respect to interlocking relationships involving directors who are officers, directors, or controlling stockholders (other than a member) of a commercial lending institution. The exemption, applying only to interlocking relationships with commercial lending institutions that do not lease aircraft to the air carrier, is contingent on the air carrier filing annual reports on or before April 1 of each year with the Bureau of Domestic Aviation.

The Airline Deregulation Act of 1978 amended sections 409 and 408 of the Federal Aviation Act, governing control and interlocking relationships, to apply them only to such relationships between persons "substantially engaged in the business of aeronautics," rather than to persons "engaged in any phase of aeronautics," as it had previously read. The Board, implementing Congressional intent, has determined that neither banks nor other financial institutions are substantially engaged in the business of aeronautics merely because they engage, either as owner or loan participants, in financial leasing arrangements involving aircraft and airlines, and has concluded that it has no jurisdiction over such companies in their control or interlocking relationships with air carriers under either section 408 or 409 of the Act. (*Hawaiian Airlines, Inc. and Malcolm MacNaughton,* Order 79-1-109, January 18, 1979; *UAL, Inc. and United Air Lines, Inc.,* Order 79-2-52, February 7, 1979; *Petition of Alaska Northwest Properties, Inc.,* Order 79-9-190, September 27, 1979.)

In view of the Congressional purpose to narrow the class of persons over whom the Board has section 408 and 409 authority, and the Board's implementation of that policy, the exemption, and the consequent administrative and industry burdens of the annual reporting requirements, are being eliminated.

The exemption by its terms is due to expire, unless renewed, on September 30, 1980. However, by revoking the exemption rather than merely letting it expire, we make it clear that carriers are not to file for approval of relationships that were covered by the exemption.

The Board is also revoking the definition of "commercial lending institution" from 14 CFR 287.1, since its only purpose was in connection with the exemption in 14 CFR 287.3a.

This rule is interpretative in nature and conforms the Board's regulations to statutory amendments made by the Airline Deregulation Act. It is also relieving a restriction on the airlines in their exercise of corporate organization. For these reasons, the Board finds good cause to adopt the rule without notice and public procedure. For these reasons, and in order to clarify the status of these relationships when the exemption expires on September 30, the Board finds good cause to make this amendment effective immediately.

The Board therefore revokes paragraph (f) of 14 CFR 287.1 and 14 CFR 287.3a, *Exemption of air carriers with respect to interlocking relationships with commercial lending institutions.*

(Sec. 204, 409 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 768, as amended, 49 U.S.C. 1324 and 1379)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-30501 Filed 9-30-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Spun Acrylic Yarn From Italy; Clarification of Scope of Order

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of clarification of scope of order.

SUMMARY: This notice is to advise the public of a clarification of the scope of the antidumping duty order on spun acrylic yarn from Italy. The order covers spun acrylic plied yarn primarily for machine-knitting, classified under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated. Four-ply craft yarn which is sold in retail stores for hand-knitting or crocheting is not within the scope of the order, whether imported in bulk or in retail packages.

EFFECTIVE DATE: April 8, 1980.

FOR FURTHER INFORMATION CONTACT: Sid Briggs, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-5346).

SUPPLEMENTARY INFORMATION: On April 8, 1980, the Department published in the Federal Register (45 FR 23684/5) an antidumping duty order with respect to spun acrylic yarn from Italy. In that order the term "spun acrylic yarn" was defined as spun yarn of acrylic, as provided for in item 310.50, Tariff Schedules of the United States Annotated (TSUSA). This notice clarifies the scope of the order, by stating that the order covers spun acrylic plied yarn primarily for machine-knitting, classified under items 310.5015 and 310.5049 of the TSUSA, and that four-ply craft yarn which is sold in retail stores for hand-knitting or crocheting is not included in the scope of the order, whether imported in bulk or in retail packages.

This notice is published pursuant to section 736 of the Tariff Act of 1930, as amended (19 U.S.C. 1673e), and § 353.48 of Commerce Regulations (19 CFR 353.48).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 25, 1980.

[FR Doc. 80-30379 Filed 9-30-80; 8:45 am]

BILLING CODE 3510-25-M

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19 CFR Part 353

Spun Acrylic Yarn From Japan; Clarification of Scope of Order

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of clarification of scope of order.

SUMMARY: This notice is to advise the public of a clarificaton of the scope of the antidumping duty order on spun acrylic yarn from Japan. The order covers spun acrylic plied yarn primarily for machine-knitting, classified under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated. Four-ply craft yarn which is sold in retail stores for hand-knitting or crocheting is not within the scope of the order, whether imported in bulk or in retail packages.

EFFECTIVE DATE: April 9, 1980

FOR FURTHER INFORMATION CONTACT: Sid Briggs, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-5346).

SUPPLEMENTARY INFORMATION: On April 9, 1980, the Department published in the **Federal Register** (45 FR 24127/8) an antidumping duty order with respect to spun acrylic yarn from Japan. In that order the term "spun acrylic yarn" was defined as spun yarn of acrylic, as provided for in item 310.50, Tariff Schedules of the United States Annotated (TSUSA). This notice clarifies the scope of the order, by stating that the order covers spun acrylic plied yarn primarily for machine-knitting, classified under items 310.5015 and 310.5049 of the TSUSA, and that four-ply craft yarn which is sold in retail stores for hand-knitting or crocheting is not included in the scope of the order, whether imported in bulk or in retail packages.

This notice is published pursuant to section 736 of the Tariff Act of 1930, as amended (19 U.S.C. 1673e), and § 353.48 of Commerce Regulations (19 CFR 353.48).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 25, 1980.

[FR Doc 80-30380 filed 9-30-80; 8:45 am]

Billing Code 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FRL 1620-5; FAP 9H5196/R67]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation for the combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosponic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes in sugarcane molasses at 30.0 parts per million (ppm) when present therein as a result of the application to growing sugarcane. This regulation was requested by Monsanto Co. This rule establishes the maximum permissible level for the combined residues of glyphosate in sugarcane molasses at 30.0 ppm.

EFFECTIVE DATE: Effective on October 1, 1980.

ADDRESS: Written objections may be submitted to the: 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 September 3, 1980 (45 FR 58494) that Monsanto Co., 800 N. Lindberg Blvd., St. Louis, MO 63166, had filed a food additive petition (FAP 9H5196) with the EPA. The petition proposed the establishment of a food additive regulation for the combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosponic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes in sugarcane molasses at 30.0 (ppm) when present therein as a result of the application to growing sugarcane. No comments or request for referral to an advisory committee were received by the Agency in response to this notice of proposed rulemaking.

Related documents (PP 8E2122/R279) and (FAP 9H5196/R68) establishing tolerances for residues of glyphosate in or on sugarcane and the liver and kidneys of cattle, goats, hogs, horses, poultry, and sheep (§ 180.364) and food additive regulations on the processed feed sugarcane molasses (§ 561.253) appear elsewhere in this issue of the **Federal Register.**

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with no-observable-effect-level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies, negative at 30 mg/kg of bw/day (highest dose); a 2-year dog feeding study with a NOEL of 300 ppm; a 2-year rat feeding study with a NOEL of 100 ppm; a 3-generation rat reproduction study with a NOEL of 100 ppm; a neurotoxicity (hen) study, negative at 7.5 mg/kg; and a host-mediated assay (negative).

Desirable data that are lacking are a repeat of the teratology study, a teratology study on a second

mammalian species, additional mutagenicity testing, and full exploration of the oncogenic potential. The studies available show that glyphosate has low potential for showing any teratological effect.

The lifetime rat and mouse studies suggest glyphosate have a relatively low oncogenic potential. Two additional oncogenic studies are needed. A further assurance of low risk associated with glyphosate is found in the fact that on a theoretical basis, the exposure via the diet is relatively low. The petitioner has been notified of the deficiencies and has agreed to furnish data in satisfaction of the Agencys data requirements.

The acceptable daily intake (ADI) is 0.05 mg/kg of bw/day based on the NOEL of 100 ppm (5 mg/kg of bw/day) in the 2-year rat feeding study using a 100-fold safety factor. Based on a theoretical maximum residue contribution (TMRC) of 0.212 mg/day for a 60 kg human or 7.07 percent of the ADI, tolerances ranging from 0.1 ppm to 15 ppm have previously been established for residues of glyphosate on a variety of raw agricultural and processed food commodities. An approved but unpublished tolerance utilizes the ADI of 7.22 percent. The current action utilizes 3.73 percent of the ADI. All tolerances utilize 10.94 percent of the ADI.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved since no residues of the contaminant at detectable levels were present in the raw agricultural commodities, nor did it pose a hazard to the applicator. There are no regulatory actions currently pending against the pesticide.

There is no reasonable expectation of secondary residues occurring in eggs, milk, and the meat byproducts (except liver and kidneys) of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use; therefore, § 180.6(a)(3) applies. There is a reasonable expectation of residues occurring in liver and kidneys of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use, but the proposed tolerance of 0.2 ppm will cover them (§ 180.6(a)(2) applies). The metabolism of glyphosate is adequately understood and an adequate analytical method (gas chromatography using a phosphorous specific flame photometric detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rhodenticide Act, as amended (86 Stat. 973, 80 Stat. 751; 7 U.S.C. 136(a) *et seq.*). Therefore, 21 CFR Part 193 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 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 date: October 1, 1980.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by revising paragraphs (b), (c), (d), and (e) under § 193.235 to read as follows:

§ 193.235 Glyphosate.

* * * * *

(b) Tolerances are established for the combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes in sugarcane molasses at 30.0 ppm when present therein as a result of the application to growing sugarcane.

(c) Residues in potable water not in excess of 0.1 ppm, resulting from the use described in paragraph (a) of this section remaining after expiration of the experimental program will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and food additive regulation.

(d) Monsanto Co. shall immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

(e) Tolerances are established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in the following processed foods when present therein as a result of herbicide application of the isopropylamine salt of glyphosate in palm tree culture at 0.1 ppm in palm oil.

[FR Doc. 80-30385 Filed 9-30-80; 8:45 am]

BILLING CODE 6560-01-M

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21 CFR Part 561

[FRL 1620-4; FAP 9H5196/R68]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Glyphosate

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation for the combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethlyphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes on the processed feed sugarcane molasses at 30.0 parts per million (ppm). This regulation was requested by Monsanto Co. This rule will establish the maximum permissible level for the combined residues of glyphosate in or on the feed item sugarcane molasses at 30 ppm.

EFFECTIVE DATE: Effective on October 1, 1980.

ADDRESSES: Written objections may be submitted to the: 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 September 3, 1980 (45 FR 58496) that Monsanto Co., 800 N. Lindberg Blvd., St. Louis, MO 63166, had filed a feed additive petition (9H5196) with the EPA. This petition proposed that a feed additive regulation be established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes on the processed feed sugarcane molasses at 30.0 ppm. No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Related documents (PP 8E2122/R279) and (FAP 9H5196/R67) establishing tolerances for residues of glyphosate in or on sugarcane and the liver and kidneys of cattle, goats, hogs, horses, poultry, and sheep (§ 180.364) and the food item sugarcane molasses (§ 193.235) appear elsewhere in this issue of the **Federal Register.**

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with no-observable-effect-level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies, negative at 30 mg/kg of bw/day (highest dose); a 2-year dog feeding study with a NOEL of 300 ppm; a 2-year rat feeding study with a NOEL of 100 ppm; a 3-generation rat reproduction study with a NOEL of 100 ppm; a neurotoxicity (hen) study, negative at 7.5 mg/kg; and a host-mediated assay (negative).

Desirable data that are lacking are a repeat of the teratology study, a teratology study on a second mammalian species, additional mutagenicity testing, and full exploration of the oncogenic potential. The studies available show that glyphosate has low potential for showing any teratological effects. The lifetime rat and mouse studies suggest glyphosate to have a relatively low oncogenic potential. Two additional oncogenic studies are needed. A further assurance of low risk associated with glyphosate is found in the fact that on a theoretical basis, the exposure via the diet is relatively low. The petitioner has been notified of the deficiencies and has agreed to furnish data in satisfaction of the Agency's data requirements.

The acceptable daily intake (ADI) is 0.05 mg/kg of bw/day based on the NOEL of 100 ppm (5 mg/kg of bw/day) in the 2-year rat feeding study using a 100-fold safety factor. Based on a theoretical maximum residue contribution (TMRC) of 0.212 mg/day for a 60 kg human or 7.07 percent of the ADI, tolerances ranging from 0.1 ppm to 15 ppm have previously been established for residues of glyphosate on a variety of raw agricultural and processed food commodities. An approved but unpublished tolerance utilizes the ADI of 7.22 percent. The current action utilizes 3.73 percent of the ADI. All tolerances utilize 10.94 percent of the ADI.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved since no residues of the contaminant at detectable levels were present in the raw agricultural commodities, nor did it pose a hazard to the applicator. There are no regulatory actions currently pending against the pesticide.

There is no reasonable expectation of secondary residues occurring in eggs, milk, and the meat byproducts (except liver and kidneys) of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use; therefore, § 180.6(a)(3) applies. There is a reasonable expectation of residues occurring in liver and kidneys of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use, but the proposed tolerance of 0.2 ppm will cover them (§ 180.6(a)(2) applies). The metabolism of glyphosate is adequately understood and an adequate analytical method (gas chromatography using a phosphorous specific flame photometric detector) is available for enforcement purpose.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 80 Stat. 751; 7 U.S.C. 136(a) *et seq.*). Therefore, 21 CFR Part 561 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions or 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 date: October 1, 1980.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 561, is amended by revising § 561.253 to read as follows:

§ 561.253 Glyphosate.

(a) Tolerances are established for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosponic acid in or on the following processed feeds when present therein as a result of application of this herbicide to growing crops:

Feed	Parts per million
Citrus pulp, dried	0.4
Soybean hulls	20

(b) [Reserved].

(c) Tolerances are established for combined residues glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in or on the following processed feeds when present therein as a result of the herbicide application of the isopropylamine salt of glyphosate to growing crops:

Feed	Parts per million
Citrus pulp, dried	0.4
Soybean hulls	20

(d) Tolerances are established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes on the processed feed sugarcane molasses at 30.0 ppm when present therein as a result of the application to growing sugarcane.

[FR Doc. 80-30384 Filed 9-30-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 252

Business Practices on the Navajo, Hopi and Zuni Reservations

September 22, 1980.

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule.

SUMMARY: On October 16, 1979, the Bureau of Indian Affairs (BIA) published in 44 FR 59559–59560, a proposed rule for relieving the Navajo Tribe and members of the requirements of 25 CFR Part 252.

The proposed rule is based on the fact that members of the Navajo Tribe are completely subject to the Tribes' jurisdiction and, since most live on the reservation or in communities adjacent to the reservation, traders can be regulated by the Tribe. This rule relieves Navajo Indians of all bonding requirements of the Trader regulations.

The exemption of the Hopi and Zuni Indians from the regulations has posed no problems. The proposed rule has the effect of promoting the Congressional intent of Public Law 93–638, the Indian Education and Self-Determination Act.

After allowing a period for public comment during which one was received, the Bureau is now publishing the rule in final form. The one comment received supported the new rule.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Eugene F. Suarez, Sr., Chief, Division of Law Enforcement Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245. Telephone 202/343–5786.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs, by 209 DM 8.

Comments were received from a Field Representative of the Zuni Pueblo and the Executive Director, Office of Navajo Economic Opportunity, both supporting the proposed rule. No other comments were received.

Since this revision relieves a restriction, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the **Federal Register** (October 1, 1980).

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.

Section 252.2 of Title 25 CFR is amended to read as follows:

§ 252.2 Scope.

The regulations of this part apply to all non-members of the Navajo, Hopi and Zuni Tribes, who engage in retail businesses on the above respective reservations. These regulations do not apply to businesses that are wholly owned and operated by either the Navajo, Hopi or Zuni Tribes, or by individual tribal members within their respective reservations.

Philip S. Deloria,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-30364 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7722]

Income Tax; Taxable years Beginning After December 31, 1953; Election in Certain Liquidation for Involuntary Conversions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the election to extend the 12-month period for certain corporate liquidations where there is an involuntary conversion. Changes to the applicable tax law were made by the Act of November 10, 1978. The regulations provide necessary guidance to the public as to the time and manner for making the election.

DATE: The regulations are effective for dispositions of involuntarily converted property occuring after November 10, 1978.

FOR FURTHER INFORMATION CONTACT: Lawrence M. Axelrod 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) (202–566–3458) (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On January 30, 1980, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 337 of the Internal Revenue Code of 1954 (45 FR 6800). The amendments were proposed to conform the regulations to section 4 of the Act of November 10, 1978 (92 Stat. 3628). A public hearing was neither requested nor held. After consideration of the one comment received regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Under section 337 (e) of the Code, a liquidating corporation that qualifies under section 337 (a) may elect to treat the disposition of involuntarily converted property, that occurred within 60 days preceding the date a plan of liquidation is adopted, as a sale or exchange occurring within the 12-month period beginning on that date. If the election is made, no gain or loss from any involuntary conversion during the 60-day period is recognized. H.R. Rep. No. 95–645, 95th Cong., 2d Sess. 7 (1978). Under section 337(e)(3), the Secretary is authorized to prescribe regulations specifying the time and manner in which the election is made.

The notice proposed that a corporation could elect the application of section 337 (e) by adding a sentence to a statement, presently required under § 1.337–6, expressly electing to apply section 337(e). The notice further proposed that the statement would have to be filed with a timely filed original return of the electing corporation.

After considering the comment received, it was determined that the election should not be made with the statement presently required under § 1.337–6. The Service has ruled that a corporation will not be denied the benefit of section 337(a), for failure to report the information required by § 1.337–6, because section 337(a) is not an elective provision but is mandatory for transactions that meet the statutory requirements (Rev. Rul. 65–30, 1965–1 C.B. 155). On the other hand, section 337 (e) is elective. If the corporation fails to

make an election under that section, it will not receive the benefit. Furthermore, the return of the liquidating corporation, for the taxable year for which certain information is required under § 1.337–6, may not be the return for the taxable year for which gain (or loss) is reportable for property involuntarily converted during the 60-day period described in section 337(e)(2). Lastly, since section 337(e) was enacted as a relief provision, it seemed harsh to deny a liquidating corporation the benefit of that provision simply because the corporation failed to make the election with the original return.

Accordingly, the final regulations provide that a corporation must file with its return or amended return, for the earliest taxable year for which income (or loss) attributable to involuntarily converted property would otherwise be reportable, a statement that it elects the application of section 337(e) to such property converted during the 60-day period described in section 337(e)(2). The statement must include a general description of all property involuntarily converted during that period.

Drafting Information

The principal author of this regulation is Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

Section 1.337–6 is amended by adding a new paragraph (c) at the end to read as follows:

§ 1.337–6 Information to be filed.

* * * * *

(c) *Election under section 337(e).* (1) Section 337(e) applies to a disposition of converted property (within the meaning of section 1033(a)(2)(E)(ii)) occurring after November 10, 1978, but only if a proper election is made.

(2) To make the election—

(i) A liquidating corporation must file a statement that it elects section 337(e) for all of its property involuntarily converted during the 60-day period described in section 337(e)(2).

(ii) The statement must be filed with its return or amended return for the earliest taxable year for which income (or loss) would otherwise be reportable for such conversions.

(iii) The statement must include the name of the liquidating corporation, its taxpayer identification number, a general description of the property, and the date or dates of the conversions. The general description of the property should be sufficient to apprise the Commissioner as to which business and which assets were involuntarily converted. The requirement that a general description of the property be provided is not intended to impose on the taxpayer the burden of listing each item of property destroyed. For example, assume a fire, which destroys a men's clothing store and all the contents therein, precipitates the adoption of a plan of liquidation. A satisfactory statement would set forth the date of the fire, the location of the store, and that furniture, fixtures, inventory, and records of a men's clothing store were destroyed.

(3) If, following the filing of an election under section 337(e), a liquidating corporation fails to satisfy the requirements for a complete liquidation under section 337(a), the corporation must file an amended return reporting any gain or loss that was not recognized by reason of its election under section 337(e).

This Treasury decision is issued under the authority contained in sections 337(e) and 7805 of the Internal Revenue Code of 1954 (92 Stat. 3628, 68A Stat. 917; 26 U.S.C. 337(e), 7805).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved September 16, 1980.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[FR Doc. 80-30465 Filed 9-30-80; 8:45 am]
BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the interim regulation.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits prescribes the interest rates and factors the Pension Benefit Guaranty Corporation (the "PBGC") will use to value benefits provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 (the "Act"). This valuation is necessary because under section 4041 of the Act, the PBGC must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the unfunded guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation must be adjusted periodically to reflect changes in annuity markets. This amendment adopts the rates and factors applicable to plans that terminated on or after June 1, 1980, but before September 1, 1980, and will enable the PBGC to value the benefits provided under those plans.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating plans covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 *et seq.*). Specifically, the regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors must be reflective of current annuity market conditions, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before June 1, 1980. (29 CFR 2610 (1979), 44 FR 42180, 44 FR 58908, 45 FR 2026, 45 FR 21228, 45 FR 43164). The purpose of this amendment is to provide the rates and factors applicable to plans that terminated on or after June 1, 1980, but before September 1, 1980. The rates for this quarter will remain the same as the rates issued for the previous quarter.

The PBGC is continuing the procedure of issuing new interest rates and factors in final form without first publishing

them in a Notice of Proposed Rulemaking. Because the PBGC cannot value the benefits provided under pension plans that terminated on or after June 1, 1980 and before September 1, 1980 until the new interest rates and factors contained herein are promulgated, the PBGC finds that notice of and public comment on this amendment are impracticable and contrary to the public interest. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that terminated on or after June 1, 1980, but before September 1, 1980, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

The PBGC has determined that this amendment to the Valuation of Plan Benefits regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (March 24, 1978), and the PBGC's Statement of Policy and Procedures implementing the Order, 43 FR 58237 (December 13, 1978). The reasons for this determination are that this amendment is not likely to engender substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by adding a new Table XIX to Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used To Value Benefits

* * * * *

XIX. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after June 1, 1980, but before September 1, 1980.*

I. *Interest rate for valuing immediate annuities.*

An interest rate of 8¾ percent shall be used to value immediate annuities, to compute the quantity "G," in § 2610.6 and to value both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

III. *Interest rates and quantities used for valuing deferred annuities.*

The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1=1.08$
(2) $k_2=1.0675$
(3) $k_3=1.04$
(4) $n_1=7$
(5) $n_2=8$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)))

Issued at Washington, D.C., on this 26th day of September, 1980.

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 80-30363 Filed 9-30-80; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 784 and 817

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Program

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

ACTION: Final Interpretive rules.

SUMMARY: The Office of Surface Mining is providing an interpretation of 30 CFR 784.15 and 817.133 to clarify OSM's position that an operator of a long duration underground coal mining operation may apply for approval of an alternative post-mining land use through the permit revision procedures of 30 CFR 788.12 toward the end of the mine life rather than initial permit application.

DATE: These interpretive rules become effective October 1, 1980.

FOR FURTHER INFORMATION: Raymond E. Aufmuth, Physical Scientist, Technical Services Division, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, telephone (202) 343–4022.

SUPPLEMENTARY INFORMATION: These interpretive rules do not establish any new substantive requirements but merely explain the Office of Surface Mining's interpretation of previously published rules. These interpretations will be followed in all program areas including State program review and oversight, enforcement action, Federal programs and the Federal lands program.

The Department's regulations allow interpretive rules of this kind to be published without opportunity for public comment. 43 CFR 14.5(c)(2). Because there was no need for expedited rulemaking action and consistent with OSM's general commitment to seek public involvement to the fullest extent possible, OSM published these rules as proposed on August 1, 1980 (45 FR 51240–41) with a thirty day comment period. No comments were received on the proposal. Accordingly, these rules became effective on the date of publication in the **Federal Register.** See 43 CFR 14.5(c)(4).

These interpretive rules constitute the Federal standard by which State programs are reviewed under 30 CFR 732. If a provision of any State program currently under review or approved is inconsistent with these interpretive rules, States will be given an opportunity at a later date to amend their programs to reflect the interpretation adopted today.

Dated: September 24, 1980.

Walter N. Heiner,

Director, Office of Surface Mining Reclamation and Enforcement.

Section 784.200(a) is added to read as follows:

§ 784.200 Interpretive rules related to General Performance Standards.

The following interpretation of rules promulgated in Part 784 of this chapter have been adopted by the Office of Surface Mining Reclamation and Enforcement.

(a) *Interpretation of Section 784.15: Reclamation Plan: Postmining Land Uses.*

(1) The requirements of 30 CFR 784.15(a)(2), for approval of an alternative postmining land use, may be met by requesting approval through the permit revision procedures of 30 CFR 788.12 rather than requesting such approval in the original permit application. The original permit application, however, must demonstrate that the land will be returned to its premining land use capability as required by 30 CFR 817.133(a).

An application for a permit revision of this type, (1) must be submitted in accordance with the filing deadlines of 30 CFR 771.21(b)(3), (2) shall constitute a significant alteration from the mining operations contemplated by the original permit, and (3) shall be subject to the requirements of 30 CFR 786 and 787.

Section 817.200 is amended by adding new paragraph (d) to read as follows:

§ 817.200 Interpretive rules related to General Performance Standards.

The following interpretation of rules promulgated in Part 817 of this chapter have been adopted by the Office of

Surface Mining Reclamation and Enforcement.

* * * * *

(d) Interpretation of Section 817.133: Postmining Land Use.

(1) The requirements of 30 CFR 784.15(a)(2), for approval of an alternative postmining land use, may be met by requesting approval through the permit revision procedures of 30 CFR 788.12 rather than requesting such approval through the permit application. The original permit application, however, must demonstrate that the land will be returned to its premining land use capability as required by 30 CFR 817.133(a).

An application for a permit revision of this type, (1) must be submitted in accordance with the filing deadlines of 30 CFR 771.21(b)(3), (2) shall constitute a significant alteration from the mining operations contemplated by the original permit, and (3) shall be subject to the requirements of 30 CFR 786 and 787.

[FR Doc. 80-30347 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary of Defense.

ACTION: Interim notice of policy.

SUMMARY: This is an interim notice of policy to Part 199 of this title. The purpose of this notice is to advise the public of a change to the DoD Regulation 6010.8-R which will increase the Government's share of the cost of any benefits provided under the Program for the Handicapped in a given month from three hundred fifty ($350) dollars to one thousand ($1000) dollars and revises language in the Regulation to allow benefit consideration for well-baby care up to the age of two years old. These changes are a result of Public Law 96-342 signed by President Carter on September 8, 1980.

EFFECTIVE DATE: The provisions contained in this interim notice are effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Lorraine F. Carpenter, Office of Assistant Secretary of Defense (Health Affairs), telephone (202) 697-5185.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its Regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as part 199 of this title. Section 199.10, paragraph (g)(40) of this Regulation specifically excludes benefits for well-baby care.

Section 199.11, paragraph (b) of this Regulation specifically limits the Government's share of the cost of any benefits provided under the Program for the Handicapped to $350 per month.

On September 8, 1980, President Carter signed into effect Public Law 96-342 which authorizes benefits for certain services related to well-baby care up to the age of two years old and increases the $350 limitation under the Program for the Handicapped to $1,000 per month. Accordingly, effective October 1, 1980 benefits will be extended for well-baby care provided to children up to the age of two years old to include the following services rendered by the attending pediatrician or family physician:

1. Newborn examination, PKU tests, newborn circumcision.

2. History, physical examination, discussion and counseling.

3. Vision, hearing and dental screening, developmental appraisal.

4. Immunization (i.e., DPT, polio, measles, mumps, Rubella).

5. Tuberculin Test, Hematocrit or Hgb., Urinalysis.

In general, CHAMPUS benefits are payable for a program of well-baby care which conforms to the "recommendations for Preventive Health Care of Children and Youth" of the American Academy of Pediatrics. Additional services or visits required because of specific findings or because of the particular circumstance of the individual care are covered if medically necessary and otherwise authorized for benefits under the program.

Additionally, all references to the $350 Government maximum share per month in Chapter V of DoD Regulation 6010.8-R will be amended to read $1,000 and benefits will be payable on that basis as of the effective date noted previously.

An amendment to DoD Regulation 6010.8-R reflecting these changes will be published at a later date.

Dated: September 25, 1980.

M. S. Healy,

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

[FR Doc. 80-30378 Filed 9-30-80; 8:45 am]

BILLING CODE 3810-70-M

Department of the Air Force

32 CFR Part 800

Department of the Air Force Seal

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by deleting Part 800, Department of the Air Force Seal. This rule is deleted because of limited applicability to the general public. The intended effect is to insure that only regulations which substantially affect the public be maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: September 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Carol M. Rose, phone (202) 697-1861.

SUPPLEMENTARY INFORMATION: Accordingly, 32 CFR, Chapter VII, is amended by deleting Part 800.

Part 800—[DELETED].

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-30366 Filed 9-30-80; 8:45 am]

BILLING CODE 3910-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Incompetents; Estate Over $1,500 and Hospitalized

AGENCY: Veterans Administration.

ACTION: Final Regulation.

SUMMARY: The Veterans Administration has amended its regulation concerning reduction of benefits payable to incompetent veterans who are hospitalized, institutionalized, or domiciled at Government expense. This change was made because it was brought to our attention that the regulation was not fully in accord with the statute that it implements. The effect of this action is to bring the regulation into agreement with the statute.

EFFECTIVE DATE: September 19, 1980.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr., 202-389-3005.

SUPPLEMENTARY INFORMATION: On page 47166 of the **Federal Register** of July 14, 1980 the Veterans Administration published a proposed amendment to 38 CFR 3.557(b). Interested persons were given until August 13, 1980, to submit comments, suggestions, or objections to the proposed amendment of § 3.557(b).

We received no comments, suggestions or objections to the proposed amendment of § 3.557(b). The amendment is adopted as proposed.

Approved: September 19, 1980.

By Direction of the Administrator:

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

Section 3.557 is amended as follows:

(1) By deleting the words "wife, husband," and inserting the word "spouse" in paragraph (a);

(2) By revising paragraph (b) as set forth below:

§ 3.557 Incompetents; estate over $1,500 and hospitalized.

(a) [Amended].

* * * * *

(b) Effective December 1, 1959, where a veteran: (1) Is rated incompetent by the Veterans Administration by reason of mental illness; and (2) has neither spouse nor child, and (3) is hospitalized, institutionalized or domiciled by the United States or any political subdivision, with or without charge, and (4) has an estate, derived from any source, which equals or exceeds $1,500, further payments of pension, compensation or emergency officers' retirement pay will not be made, except as provided in paragraph (d) of this section, until the estate is reduced to $500. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission.

* * * * *

[FR Doc. 80-30390 Filed 9-30-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[FRL 1620-6; PP 8E2122/R279]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities; Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the plant growth regulator glyphosate (*N*-(phosphonomethlyl)glycine) and its metabolite aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes in or on the raw agricultural commodities sugarcane at 2.0 parts per million (ppm) and the liver and kidneys of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm. This regulation was requested by Monsanto Co. This rule will establish the maximum permissible level for residues of glyphosate in or on the above raw agricultural commodities.

EFFECTIVE DATE: Effective on October 1, 1980.

ADDRESSES: Written objections may be filed with the: 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, DC 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of September 3, 1980 (45 FR 58500) that Monsanto Co., 800 N. Lindberg Blvd., St. Louis, MO 63166, had filed a pesticide petition (PP 8F2122) with the EPA. This petition proposed the establishment of tolerances for residues of the plant growth regulator glyphosate (*N*-(phosphonomethyl)glycine) and its metabolic aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and sodium sesqui salt for plant growth regulator purposes in or on the raw agricultural commodities sugarcane at 2.0 ppm and the liver and kidneys of cattle, goats, hogs, horses, poultry, and sheep 0.2 ppm. No comments or request for referral to the advisory committee were received by the agency in response to this notice of proposed rulemaking.

Two accompanying documents, FAP 9H5196/R67 amending § 193.235 and FAP 9H5196/R68 amending § 561.253 appearing elsewhere in this issue of the **Federal Register**, establish food and feed additive regulation for sugarcane molasses.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with no-observable-effect-level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies, negative at 30 mg/kg of bw/day (highest dose); a 2-year dog feeding study with a NOEL of 300 ppm; a 2-year rat feeding study with a NOEL of 100 ppm; a 3-generation rat reproduction study with a NOEL of 100 ppm; a neurotoxicity (hen) study, negative at 7.5 mg/kg; and a host-mediated assay (negative).

Desirable data that are lacking are a repeat of the teratology study, a teratology study on the second mammalian species, additional mutagenicity testing, and full exploration of the oncogenic potential. The studies available show that glyphosate has low potential for showing any teratological effects. The lifetime rat and mouse studies suggest glyphosate to have a relatively low oncogenic potential. Two additional oncogenic studies are needed. A further assurance of low risk associated with glyphosate is found in the fact that on a theoretical basis, the exposure via the diet is relatively low. The petitioner has been notified of the deficiencies and has agreed to furnish data in satisfaction of the Agency's data requirements.

The acceptable daily intake (ADI) is 0.05 mg/kg of bw/day based on the NOEL of 100 ppm (5 mg/kg of bw/day) in the 2-year rat feeding study using a 100-fold safety factor. Based on a theoretical maximum residue contribution (TRMC) of 0.212 mg/day for a 60 kg human or 7.07 percent of the ADI, tolerances ranging from 0.1 ppm to 15 ppm have previously been established for residues of glyphosate on a variety of raw agricultural and processed food commodities. An approved but unpublished tolerance utilizes the ADI to 7.22 percent. The current action utilizes 3.73 percent of the ADI. All tolerances utilize 10.94 percent of the ADI.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyposate, but this was resolved since no residues of the contaminant at detectable levels were present in the raw agricultural commodities, nor did it pose a hazard to the applicator. There are no regulatory actions currently pending against the pesticide.

There is no reasonable expectation of secondary residues occurring in eggs, milk, and the meat byproducts (except liver and kidneys) of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use; therefore, § 180.6(a)(3) applies. There is a reasonable expectation of residues occurring in liver and kidneys of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use, but the proposed tolerance of 0.2 ppm will cover them (§ 180.6(a)(2) applies). The metabolism of glyphosate is adequately understood and an adequate analytical method (gas chromatography using a phosphorous

specific flame photometric detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerance is sought and the tolerance will protect the public health. Therefore, 40 CFR Part 80 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions or 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 date: October 1, 1980.

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

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by revising § 180.364 to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

(a) Tolerances are established for combined residues of glyphosate (*N*-(phosphonomethly)glycine) and its metabolite aminomethylphosphonic acid resulting from application of the isopropylamine salt of glyphosate in or on the following raw agricultural

Commodity	Parts per million
Alfalfa, fresh and hay	0.2
Almonds, hulls	1
Asparagus	0.2
Avocados	0.2
Citrus fruits	0.2
Coffee beans	1
Cottonseed	6
Grain crops	0.1(N)
Grapes	0.2
Grasses, forage	0.2(N)
Leafy vegetables	0.2(N)
Nuts	0.2
Pistachio nuts	0.2
Pome fruits	0.2
Root crop vegetables	0.2(N)
Seed and pod vegetables	0.2(N)
Seed and pod vegetables, forage	0.2(N)
Seed and pod vegetable, hay	0.2(N)
Soybeans	6
Soybeans, forage	15
Soybeans, hay	15

(b) Tolerances are established for combined residues of glyphosate (*N*-(phosphonomethly)glycine) and its metabolite aminomethylphosphonic acid resulting from application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, Kidney	0.2
Cattle, liver	0.2
Goats, kidney	0.2
Goats, liver	0.2
Hogs, kidney	0.2
Hogs, liver	0.2
Horses, kidney	0.2
Horses, liver	0.2
Poultry, kidney	0.2
Poultry, liver	0.2
Sheep, kidney	0.2
Sheep, liver	0.2
Sugarcane	2.0

[FR Doc. 80-30386 Filed 9-30-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

41 CFR Part 3-3

Price Negotiation Policies and Techniques

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending its procurement regulations to add requirements intended to result in more effective pricing of contracts.

EFFECTIVE DATE: This amendment is effective December 1, 1980.

FOR FURTHER INFORMATION, CONTACT: Frederick J. Brennan, Office of Procurement Policy, OGP-OASMB-OS, Department of Health and Human Services, Room 538H, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202-245-0481).

SUPPLEMENTARY INFORMATION: In a report to the Congress entitled "Civil Agencies Can do a Better Job of Negotiating Noncompetitive Contracts Priced Over $100,000," the Comptroller General of the United States stated that Federal civil agencies have been doing a poor job of obtaining and analyzing cost or pricing data supporting contractors' price proposals, using analysis results, and protecting the Government from using defective data. The report contained a number of recommendations intended to overcome the deficiencies. The Department has taken actions to implement the GAO recommendations, and this regulation represents a part of that initiative to further improve the pricing of contracts within the Department.

It is the policy of the Department to allow time for interested parties to participate in the rulemaking process. However, since the amendment concerns internal administrative procedures, the public rulemaking process was deemed unnecessary in this instance. The provision of this amendment is issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: September 24, 1980.

Murray N. Weinstein,

Acting Deputy Assistant Secretary for Grants and Procurement.

Sections 3-3.807-2, 3-3.807-3 and 3-3.809 are added to read as follows:

Sec.
3-3.807-2 Requirements for cost or price analysis.
3-3.807-3 Cost or pricing data.
3-3.809 Contract audit as a pricing aid.

3-3.807-2 Requirements for cost or price analysis.

(a)—(d) [Reserved]

(e) No negotiated contract may be awarded by any contracting officer unless the contract file contains documentation showing that the contract price was determined to be fair and reasonable. This determination shall be made utilizing the procedures set forth in § 1-3.807 of this title.

(f) Prior to cost/price negotiations with each offeror, the Government's cost/price objectives shall be established and documented in the contract file.

(g) When price analysis is performed, the procedures set forth in § 1-3.807-2 of this title shall be used as the basis for establishment of negotiation objectives

or the basis for the determination that the price(s) is fair and reasonable.

(h) When cost analysis is required to be performed in accordance with § 1-3.807-2(c) of this title, the evaluation shall reflect the use made of audit reports and reviews by technical personnel to determine the reasonableness of cost elements; e.g.,

(1) Need for the categories of labor proposed;

(2) Reasonableness of labor hours proposed;

(3) Need for and reasonableness of other source data, e.g., computer time, number and destination of trips, materials and subcontracts;

(4) Whether the labor rates used are:

(i) Current or projected rates,

(ii) Average rates for the institution as a whole, or for a particular division or the particular department which will perform the work, or

(iii) Specific individual rates for the personnel who will perform the work;

(5) Basis for the use of the indirect cost rates and the appropriateness of the base(s) to which they are applied, and

(6) Appropriate review of other costs.

§ 3-3.807-3 Cost or pricing data.

(a) Pricing data forms are set forth in § 1-16.806 of this title. Additionally, DD Form 633-7, Claim for Exemption From Submission of Certified Cost Or Pricing Data, should be used when an exemption to the requirement for submission of data is claimed.

(b) and (c) [Reserved]

(d) When cost or pricing data is required to be obtained and the offeror stands a reasonable chance of receiving the award, the contracting officer shall determine or cause to be determined that the data is complete. Instructional material pertaining to the adequacy and completeness of cost or pricing data may be found in the Armed Services Procurement Regulation Manual for Contract Pricing (ASPM No. 1) (see § 1-3.807-2(d) and § 1-3.807-3(d)(4) of this title). If certain data necessary for a cost analysis is not included in the cost proposal, it shall be obtained from the offeror prior to conducting the cost analysis. After it is determined that the submission is complete, the contracting officer shall cause a cost analysis of the proposal to be conducted.

§ 3-3.809 Contract audit as a pricing aid.

(a)—(c) [Reserved]

(d) The contracting officer or his/her representative shall determine the need for an audit of the contract price proposal by the cognizant audit agency. This determination shall be made in accordance with the requirements of § 1-3.809 of this title and shall consider whether information already available is adequate for the proposed procurement or whether such data can be obtained by phone from the cognizant audit agency. Whenever it is clear that either of these conditions exist, the contracting officer may waive the audit and document the contract file to reflect the reasons for the waiver and how the proposed price was determined to be reasonable.

(e) If it is determined that an audit is required, two (2) copies of the request, including a copy of the complete contract price proposal, shall be submitted, in accordance with established agency procedures, to the OIG Audit Agency's Regional Audit Director. The request shall:

(1) Contain the complete address of the location of the offeror's financial records that support the proposal;

(2) Identify any areas requiring special audit attention or effort and identify areas for which data is already available;

(3) Identify the office having audit responsibility if other than an HHS Regional Audit Office; and

(4) Specify a due date for receipt of a verbal report to be followed by a written audit report. (If the time available is not adequate to permit satisfactory coverage of the proposal, the auditor shall so advise the contracting officer and indicate the additional time needed (see § 1-3.809(b)(2) of this title). Normally, the Audit Agency will need 30 days after receipt of the proposal for submission of oral results. However, the Audit Agency's ability to conduct reviews by the due date will be influenced by the POC's ability to properly plan its procurements. If the Audit Agency requires additional time to conduct the review, the contracting officer has the option, at the time the auditor acknowledges receipt of the request, to accept the revised due date or cancel the request and use cost advisory services within the agency to satisfy the requirement. In such cases, the contracting officer shall immediately advise OIG/AA/Regional Audit Director and the OIG/AA/Division of Audit Coordination (OIG/AA/DAC) of the revised due date or cancellation of the request.

(f) One copy of the audit request letter that was submitted to the Regional Audit Director and a complete copy of the contract price proposal shall be submitted to OIG/AA/DAC.

(g) Whenever an audit review has been conducted by the Audit Agency, two (2) copies of the memorandum of negotiation shall be forwarded to OIG/AA/DAC by the contracting officer (see § 1-3.811(b) of this title).

[FR Doc. 80-30500 Filed 9-30-80; 8:45 am]
BILLING CODE 4110-12-M

Health Care Financing Administration

42 CFR Part 421

Medicare Program; Intermediaries: Nominations, Contracts, and Evaluations; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final regulations.

SUMMARY: This document corrects technical errors in the text of the final regulations published in the **Federal Register** on June 23, 1980 (45 FR 42174) on our procedures for nominations, contracts and evaluations of fiscal intermediaries.

EFFECTIVE DATE: June 23, 1980

FOR FURTHER INFORMATION CONTACT: Irvin Robinson, 301-594-8003.

SUPPLEMENTARY INFORMATION: On June 23, 1980, we published final regulations containing changes in Medicare policy regarding nominations, contracts and evaluations of fiscal intermediaries. We have located three technical errors in the regulations. Two of the errors are improper cross-references, and the third occurred when we used the term "Secretary" instead of the more accurate term "Administrator." Therefore, in document FR Doc. 80-18585, filed 6-20-80, published on 6-23-80 at 45 FR 42174, we are making the following changes:

1. On page 42182, in the first column, § 421.122 (a) and (c) are corrected to read as follows:

§ 421.122 Statical standards.

(a) The Administrator will develop standards of timeliness, cost, and quality, to be used in further evaluating the performance of those intermediaries that satisfy the criteria in § 421.120.

* * * * *

(c) The performance of intermediaries during the base period will also be studied, using multiple regression analysis, to determine measurable factors that are not within the intermediary's control, but significantly affect selected performance standards. The Administrator will determine which noncontrollable factors will be used in adjusting performance standards.

* * * * *

2. On page 42183, in the second column, § 421.200(i)(2) is corrected to read as follows:

§ 421.200 Carrier functions.

* * * * *

(i) Hearings to Part B beneficiaries.

(1) * * *

(2) The hearing procedures must be in accordance with Part 405, Subpart H, of this chapter (Review and Hearing Under the Supplementary Medical Insurance Program).

* * * * *

(Secs. 1102, 1816, 1842, 1871, Social Security Act (42 U.S.C. 1302, 1395h, 1395u, 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: September 26, 1980.

Robert F. Sermier,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 80-30498 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-35-M

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42 CFR Parts 405, 442, and 447

Medicare and Medicaid Programs; Protection of Patients' Funds

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Stay of effective date.

SUMMARY: The Department published a final regulation on July 24, 1980 (45 FR 49440) which set forth expanded standards for protection of personal funds of patients in skilled nursing facilities and intermediate care facilities. The regulation contains recordkeeping requirements which we have submitted for approval by the Office of Management and Budget in accordance with the Federal Reports Act of 1942. We have not yet received that approval. Therefore, the final regulation will not become effective on October 22, 1980 as originally published. The Department will publish notice by December 1, 1980 advising the public on the outcome of the Office of Management and Budget review.

FOR FURTHER INFORMATION CONTACT: Janice M. Caldwell, Dr. P.H. Telephone: (301) 594-3642.

Dated: September 18, 1980.

Howard Newman,

Administrator.

Approved September 24, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-30464 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 302

Program for Financial Contributions to States for State and Local Civil Defense Personnel and Administrative Expenses

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This document revises regulations governing the program for financial contributions to States and for State and local civil defense personnel and administrative expenses. This revision is necessary to clarify the existing regulations and to adopt the merit system principles for employment in the State and local programs and to conform the regulations to OMB Circulars, including OMB Circular 102.

DATE: This rule is effective beginning with the program grants for Federal fiscal year 1981, which commences on October 1, 1980.

FOR FURTHER INFORMATION CONTACT: John W. McConnell, Assistant Associate Director, Population Preparedness Office, Plans and Preparedness Division, Federal Emergency Management Agency, Washington, D.C. 20472. Telephone: (202) 566-0550.

SUPPLEMENTARY INFORMATION: These regulations were published in the **Federal Register** of July 19, 1979, as a proposed rule of the Defense Civil Preparedness Agency. By Executive Order No. 12148 of July 20, 1979 (44 FR 43239, July 24, 1979) the functions of the Defense Civil Preparedness Agency (DCPA) were transferred to the Federal Emergency Management Agency (FEMA) effective July 15, 1979. Following this, FEMA published (44 FR 44790) a "Continuity of Functions" statement which, among other results, ratified the actions of DCPA as those of FEMA.

Five responses were received from sources outside of DCPA. The Office of the Federal Register did not approve the incorporation by reference (proposed in former § 1807.003) of CPG 1-3. This provision has been removed. The regulations refer to CPG 1-3 throughout, but FEMA is continuing to rely upon actual notice, through distribution of CPG 1-3, to all participating State and local governments. Also, FEMA is proceeding to reletter and revise the Appendices to CPG 1-3 in order to set forth the standards required under all of the attachments to OMB Circular A-102. Amendments are being made to the text of CPG 1-3 including, among others, changes necessary to convert to the standard financial reporting forms.

This document accommodates language changes suggested by the Office of Personnel Management (OPM) for the provisions on merit personnel systems in the regulations and in the supplementary information. Most of the merit personnel standards related authorities, in existence prior to 1971, were transferred to the Civil Service Commission (now the OPM) in 1971 by section 208(a) of the Intergovermental Personnel Act, but the civil defense merit requirement (because it was an authority of the President) was not included. Instead, it was delegated to the Commisssion by a special Executive Order numbered 11589. In order to provide a new, clearer, and more uniform basis for the civil defense merit requirement, this requirement was excluded from the list of merit requirements saved from abolishment by the Civil Service Reform Act (CSRA). This was done so that the old statutory merit requirement could be replaced by a regulation under the new legal authority for merit requirements in section 602(a)(2) of the CSRA.

This would make possible a recission of Executive Order No. 11589 and base the civil defense merit system requirements on CSRA. FEMA adopted the regulations of its predecessor agencies including the DCPA regulation set forth in 32 CFR Part 1807 (renumbered as a FEMA regulation in 44 CFR Part 302) which required that, to be eligible, State Administrative Plans were required to provide for the establishment and maintenance of personnel standards on a merit basis (see §§ 302.5(v) and 302.8).

A number of changes have been made in response to comments received from the Office of Management and Budget (OMB) and one other correspondent regarding compliance with the requirements of OMB Circular A-102. Language which indicated that the cost of automatic data processing (ADP) equipment could only be covered as an indirect cost has been removed from § 302.11(b)(1). The intent is to allow costs commensurate with civil defense program use. Language which implied that exceptions to OMB Circular A-102 may be made without prior approval of OMB has been deleted from § 302.11. The words "or their fair market value" have been added to § 302.11(f)(3) in order to cover cases where grantees seek to credit items received by donation from non-Federal sources as in-kind contributions. Provisions calling for separate bank accounts and use of an FDIC insured bank have been

removed from § 302.11. Paragraph 1 of Attachment M of OMB Circular A-102 provides that the prescribed standard be used "in applying for all Federal grants except those formula grant programs which do not require grantees to apply for Federal funds on a project basis." The program under the regulations in this part is a formula grant program within the specified exception. However, in some instances, the participating State or its political subdivision may decide to use a portion of its P&A program funds for repairs and maintenance of office space used by civil defense staff members. The regulations provide that in such cases, if the repair project involves construction work in excess of $2,000, the grantee must obtain prior approval of the FEMA Regional Director on the standard project application form applicable to construction projects.

Also, in view of the limited nature of the construction work which is eligible under the program, the recitation of minimum requirements for bonding on contract in excess of $100,000 has been deleted from paragraph (b) of § 302.11. The same two correspondents (including OMB) pointed out deficiencies with regard to OBM Circular A-102 in the area of financial reporting forms and procedures. Changes have been made to the regulations to accommodate these points, but implementation will require the use of existing forms during a period for the phasing in of new forms. However, there was also one comment (from OMB) to the effect that the regulations ought not require State plans to provide for the State to make such reports, in such form and content, as the grantor agency may require. OMB Circular A-102 provisions do not apply where Federal law requires otherwise. Subsection 205(a)(5) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2286(a)(5)), requires inclusion of such a reporting provision in each State's plan.

This document will revise FEMA's existing regulations on grants for civil defense State and local management program purposes to describe the uniform administrative requirements and the cost principles, prescribed under OMB Circular A-102 (42 FR 45828) and under FMC 74-4 (39 FR 27133), respectively, as they apply to the program for financial contributions to States for necessary and essential State and local civil defense personal and administrative expenses granted under the authority of section 205 of the Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. 2251-2297.

Actual changes in criteria from that of the existing regulations are not as substantial as the volume of the revised regulations suggests. From the time the first grants were made under this program in 1961, FEMA and its predecessor agencies have provided guidance to States and their political subdivisions not only through formal regulations and published handbooks and directives, but also through person-to-person contact. Such contacts include telephone calls, on-site visits on the part of Federal regional personnel, and conferences and meetings attended by representatives of the Federal, State and local levels of government. Many of the criteria and procedural requirements were adopted as a result of cooperative efforts of various civil defense officials of the State and local governments either in direct contacts with DCPA (a FEMA predecessor agency) personnel, (e.g., regional meetings of State Civil Defense Directors, and ad hoc conferences) or through representative organizations such as the Council of State Governments and the U.S. Civil Defense Council.

Following issuance of the directives on cost principles and standard administrative requirements for application to grants to State and local governments, DCPA advised the States and participating local governments, through dissemination in manuals (e.g., CPG 1-3) and other publications and directives, regarding the application of these Federal standards. In addition, regional field personnel and other Federal employees have provided specific advice and assistance in matters pertaining to compliance with the criteria. As indicated in 44 FR 31020, civil preparedness guides and circulars contain detailed guidance relative to the criteria and procedures applicable to grants to States under the program covered by the regulations in this part. (Catalog of Federal Domestic Assistance Program No. 83.200 Civil Defense—State and Local Management.)

Part 302 of Title 44 of the Code of Federal Regulations is revised to read as follows:

PART 302—CIVIL DEFENSE—STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES)

Sec.
302.1 Purpose.
302.2 Definitions.
302.3 Allocations.
302.4 Reallocations.
302.5 State plans and annual submissions.
302.6 Agreement for contributions.
302.7 Fiscal year limitations.
302.8 Merit personnel systems.
302.9 Use of funds, materials, supplies, equipment and personnel.
302.10 Cost principles.
302.11 Implementation of OMB Circular A-102.
302.12 Other Federal requirements.
302.13 Projects involving construction.

Authority: Sec. 401, Federal Civil Defense Act of 1950, as amended, 64 Stat. 1255, 50 U.S.C. App. 2253; Reorg. Plan No. 1 of 1958, 72 Stat. 1799, 23 FR 4991, E.O. 10952, 26 FR 6577; 29 FR 5017, Apr. 10, 1964; Reorg. Plan No. 3 of 1978 (43 FR 41943), E.O. 12148 (44 FR 43239).

§ 302.1 Purpose.

(a) The regulations in this part prescribe the requirements for Federal financial contributions to the States and, through the States, to their political subdivisions for necessary and essential States and local civil defense personnel and administrative expenses, under section 205 of the Federal Civil Defense Act of 1950, as amended, and set forth the conditions under which such contributions will be made.

(b) The intent of this program is to increase civil defense operational capability at the State and local levels of government by providing Federal financial assistance so that personnel and other resources can be made available for essentail planning and other administrative function required in order to accomplish this objective.

§ 302.2 Definitions.

Except as otherwise stated or clearly apparent by context, the definitions ascribed in this section to each of the listed terms shall constitute their meaning when used in the regulations in this part. Terms not defined in this part shall have the meaning set forth in their definition, if any, in the Federal Civil Defense Act of 1950, as amended.

(a) *Act.* The Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297).

(b) *Administrative expenses.* Necessary and essential expenses, other than personnel expenses as defined in this section, of a grantee and its subgrantees incurred in the administration of their civil defense programs, as detailed in CPG 1-3, including without limitation Appendix P which sets forth the "Cost Principles Applicable to Grants and Contracts with State and Local Governments" as promulgated in FMC 74-4.

(c) *Annual submission.* The State's annual request for participation in the contributions program authorized by section 205 of the Act. As specified in CPG 1-3, it includes staffing patterns (including job description changes), budget requirements, any amendments

to the State administrative plan, a request for funds covering the State and its subgrantees, and if not previously submitted, program papers for the grantee and subgrantees. Program papers may be submitted separately or as part of the annual submission.

(d) *Approval.* All approvals by the grantor agency required under the regulations in this part means prior approval in writing signed by an authorized official of the grantor agency. When, despite failure to obtain prior approval to an action has not resulted and is not expected to result, in any failure of compliance with a substantive requirement and approval after the fact is not contrary to law or regulation having the effect of law, written approval after the fact may be granted at the discretion of the authorized official.

(e) *CPG 1-3.* Civil Preparedness Guide entitled "Federal Assistance Handbook" which sets forth detailed guidance on procedures which a State and, where applicable, its political subdivision must follow in order to request financial assistance from the grantor agency. It also sets forth detailed requirements, terms and conditions upon which financial assistance is granted. Included are amendments by numbered changes and by Civil Preparedness Circulars issued by the grantor agency as provided in 44 CFR 310.20. References to CPG 1-3 include provisions of other volumes of the CPG series specifically referenced in CPG 1-3. Copies of the Civil Preparedness Guides and the Civil Preparedness Circulars may be ordered from the U.S. Army A.G. Publications Center, Civil Defense Branch, 2800 Eastern Boulevard (Middle River) Baltimore, MD 21220. One or more copies of CPG 1-3 have been distributed to each State and to each local government participating in the program under the regulations in this part. Copy of revisions and amendments are distributed to participating governments (addressed to the Civil Defense Director) upon issuance.

(f) *Director.* The Director of the grantor agency or another official of the Agency authorized in writing by the Director to act officially on behalf of the Director.

(g) *FMC 74-4.* Federal Management Circular 74-4, "Cost Principles Applicable to Grants and Contracts with State and local Governments", codified in the Code of Federal Regulations at 41 CFR Subpart 1-15-7, including amendments or revisions as published in the **Federal Register.** (See Appendix P of CPG 1-3).

(h) *Forms prescribed by the grantor agency.* Forms prescribed by the grantor agency are identified in CPG 1-3 and may be ordered from the U.S. Army A.G. Publication Center, Civil Defense Branch, 2800 Eastern Blvd. (Middle River) Baltimore, MD 21220.

(i) *Grantee.* A State having a State administrative plan, a program paper, and an annual submission, all approved by the grantor agency as meeting the requirements prescribed in this part and in CPG 1-3 for necessary and essential State and local civil defense personnel and administrative expenses for a current Federal fiscal year.

(j) *Grantor agency.* The Federal Emergency Management Agency.

(k) *Host area.* An area identified by a State as having a capacity for accommodating people relocated from a risk area, as well as its own population, during a period of international crisis having high potential for nuclear attack.

(l) *Interstate civil defense authority.* Any civil defense authority established by interstate compact pursuant to section 201(g) of the Act.

(m) *Necessary and essential civil defense expenses.* Necessary and essential civil defense expenses are those required for the proper and efficient administration of the civil defense program of a grantee or a subgrantee as described in a State administrative plan and program papers approved by the Regional Director as being consistent with the national plan for civil defense and as meeting other requirements for civil defense plans prescribed by or under provisions of the Federal Civil Defense Act of 1950, as amended.

(n) *OMB Circular A-102.* Uniform administrative requirements for grants-in-aid to State and local governments, promulgated by the Office of Management and Budget, Executive Office of the President of the United States (42 FR 45828, 9-12-77) including amendments or revisions as published in the **Federal Register.**

(o) *Operational plans.* Operational plans are part of the State administrative plan. They identify the available personnel, equipment, facilities, supplies, and other resources and provide for coordinated operations to be taken throughout the State in the event of an attack.

(p) *Personnel expenses.* Necessary and essential civil defense expenses for personnel on the approved staffing pattern of a grantee or subgrantee (including but not necessarily limited to salaries, wages, and supplementary compensation and fringe benefits) for such employees appointed in accordance with State and local government laws and regulations under a system which meets, Federal merit system and other applicable Federal requirements. Such expenses must be supported by job descriptions, payrolls, time distribution records, and other documentation as detailed in CPG 1-3. Personnel compensation and other costs incurred with regard to employees who are not on the civil defense staff but whose work serves the civil defense agency (e.g., State's budget and accounting office) may be charged as civil defense expense to the extent covered therefor in a Federally approved indirect cost allocation plan.

(q) *Political subdivisions.* Local governments, including but not limited to cities, towns, incorporated communities, counties, parishes, and townships.

(r) *Program papers.* Formal identification of specific actions to be accomplished by a State and its political subdivisions during the fiscal year for which Federal funds are being requested by the State. Submission is made to the grantor agency on its prescribed forms which are available through the Regional Directors. (See paragraph (h)(1) of this section).

(s) *Regional Director.* An official of the grantor agency delegated authority to exercise specified functions under the Act, including certain financial contributions program functions as they apply to grantees and subgrantees, within the geographical area of a particular region as identified (including address) in 44 CFR Part 2.

(t) *Risk area.* An area identified by the grantor agency as one which, in the event of nuclear attack, is relatively more likely to experience direct weapons effects (blast heat and initial radiation) or high fallout without blast effects.

(u) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Government of the Northern Mariana Islands, the territories of American Samoa, Guam, and the Virgin Islands, and interstate civil defense authorities.

(v) *State administrative plan.* A one-time submission with periodic amendments to keep it current, the plan is a formal description of each participating State's total civil defense program and of related State and local laws, executive directives, rules plans and procedures, including personnel standards administered on a merit basis, operational plans, travel regulations, indirect cost allocation plans, and other information necessary to reflect the total civil defense program throughout the State. The plan also includes without limitation documentation as to administrative and financial systems to assure compliance with uniform grant-

in-aid administrative requirements for States and subgrantees as required under OMB Circular A-102 and such other elements as may be required to determine the eligibility of the State and its political subdivisions for participation in financial assistance programs for civil defense purposes. Detailed requirements are prescribed in CPG 1-3. (Also see § 302.5).

(w) *Subgrantee.* A political subdivision of a State listed in the State's annual submission as approved by the grantor agency (including any grantor agency approved amendments thereto) as eligible to receive a portion of the Federal financial contribution provided for use within the State.

§ 302.3 Allocation.

(a) The entire amount of the appropriation by the Congress for the purposes of this program for each fiscal year shall be allocated among all the States by the Director. The allocation made to each State represents the total amount of funds available to pay the Federal share of necessary and essential civil defense personnel and administrative expenses of the State and its participating subdivisions during the fiscal year.

(b) Initial discussion with States will begin with the availability of information concerning the amount of funds included for the program in the President's budget request to Congress. For initial planning purposes only, each State will be informed of a preliminary budget allocation figure by the regional Director.

(c) The first calculation for developing the preliminary budget allocation will be a formula distribution made by applying the following criteria:

(1) There shall be established a basic amount which shall be the same for each State: $25,000.

(2) An additional amount shall be calculated for each State by applying the following percentage formula to the total sum in the appropriation request less the total of the basic amounts established for the States;

(i) One-third weight shall be given to the risk areas, which is measured by the ratio of the risk area population of each State to the national total of such population.

(ii) Two-ninths weight shall be given to the criticality of host areas, which is measured by the ratio of the host area population of each State to the national total of such population.

(iii) One-ninth weight shall be given to population, which is measured by the ratio of the total population of each State to the national population.

(iv) One-third weight shall be given to the state of development as follows:

(A) One-sixth weight shall be given to Nuclear Civil Protection (NCP) complexity factor. It is the ratio of the complexity rating of each State to the sum of such ratings for all States. The factor is a number between 1 and 5 assigned to each State; 1 indicating the least complexity and 5 the greatest. The assigned factors represent largely subjective judgment concerning the relative difficulty likely to be experienced in NCP planning due to the geography, the number of projects, the number of evacuees from outside the State that will have to be hosted, the hosting ratio that will have to be used, and the availability or non-availability of fallout shelter space.

(B) One-sixth weight shall be given to the complexity factor in each State (as compared to the sum for all States) of: shelter plans, direction and control, warning, radiological defense, emergency public information, and emergency services expressed as percent of completion, times the population ratio.

(3) The sum of the basic amount and the additional amount for each State shall constitute its formula distribution.

(d) The formula distribution shall be reviewed and evaluated by the Director for the purpose of arriving at the preliminary budget allocation. In making the review and evaluation the Director shall consider the current situation in the State using the following six factors.

(1) The ability of the State and its subgrantees to expend such an amount for necessary and essential civil defense personnel and administrative purposes. Past performance is a factor in this determination.

(2) Special circumstances existing in the State at the time of allocation which require unusual expenditures for civil defense.

(3) Conditions peculiar to the State which make strict application of mathematical formula inequitable either to that State or other States.

(4) The relative cost of civil defense personnel and administrative services in that State; that is, whether such costs are considerably above or below the national average for similar services and expenses.

(5) Substantial changes in the civil defense readiness of the State not reflected by its recent civil defense expenditures.

(6) Any situation where allocation to the State of an amount approximately equivalent to the basic amount would be disproportionate because the State is sparsely populated.

(e) On or about September 1 of each year, the Director will make a tentative allocation to the States including accommodation for funds from States which have indicated they will not be using the total of the preliminary budget allocation. States can then revise their earlier plans which should more nearly reflect the level of funding expected to become available.

(f) By September 30 (or as soon thereafter as feasible) of each year the Director will make a formal allocation based on, or subject to, appropriation by Congress and allotment of the funds.

§ 302.4 Reallocation.

(a) In the event a State fails to submit (within sixty days after notification of its formal allocation) an annual submission approvable under the criteria prescribed therefor by the regulations in this part and by CPG 1-3, the Director may reallocate that State's share of the funds or portions thereof among the other States in such amounts as in the Director's judgment will best assure adequate development of the civil defense capability of the Nation.

(b) In addition, the Director may from time to time reallocate the amounts released by a State from its allocation as no longer being required for utilization in accordance with the approved annual submission.

§ 302.5 State plans and annual submissions.

In order to be eligible for Federal financial contributions under the regulations in this part, each State must have on file with the grantor agency a current State administrative plan for civil defense and an annual submission (including program papers, if not previously submitted) which have been approved by the Regional Director as being consistent with the national plan for civil defense and as meeting the requirements of the regulations in this part and of CPG 1-3.

(a) *State administrative plans.* (1) Regional Directors are not authorized to approve any State administrative plan unless it meets all of the following criteria:

(i) Provides for and is, pursuant to State law, in effect in all political subdivisions of the State, mandatory on them and, unless waived by the Director under section 204 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4214), is administered or supervised by a single State agency. In demonstrating that the State administrative plan for civil defense is in effect in all political subdivisions of the State and mandatory on them, the plan shall contain references to the

applicable State statutes and local ordinances, executive orders and directives, rules and regulations, at the State and local level which establish the civil defense authority, structure, plans, and procedures, including those relating to emergency operations, throughout the State.

(ii) Provides that the State shall match (50/50) the financial assistance provided by the Federal government under this part with funds from any source consistent with State law, but not from another Federal source unless Federal law specifically authorizes the use of funds from such Federal source as part of the State's share.

(iii) Provides for the development of State and local government civil defense operational plans pursuant to the standards approved by the Director.

(iv) Provides for the employment by the State of a full-time civil defense director or deputy director.

(v) Provides for the establishment and maintenance of methods of personnel administration in public agencies administering or supervising the administration of the civil defense program, at both the State and local government levels in conformity with the Standards for a Merit System of Personnel Administration, (5 CFR Part 900) which incorporate the Intergovernmental Personnel Act Merit Principles (Pub. L. 91-648, § 2, 84 Stat. 1909) prescribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended.

(vi) Provides for the establishment of safeguards to prohibit State and local government employees from using their positions for a purpose that is or gives the appearance of being motivated by desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

(vii) Provides that the State shall make such reports (including without limitation, financial reports) in such form and content as the Director may require.

(viii) Provides that the State and all subgrantees shall retain in accordance with Appendix C of CPG 1-3 (also see Attachment C of OMB Circular A-102) and make available to duly authorized representatives of the Director and the U.S. Comptroller General all books, records, and papers pertinent to the grant program for the purpose of making audits, examinations, excerpts, and transcripts necessary to conduct audits.

(ix) Provides for establishment and maintenance of a financial management system of grant-supported activities of the State and all subgrantees which meets the Federally prescribed Standards promulgated in Appendix G of CPG 1-3, "Standards for Grantee Financial Management Systems" (also see Attachment G of OMB Circular No. A-102).

(x) Provides for establishment and maintenance of procedures for monitoring and reporting grant program and project performance of the State and its subgrantees which meet the Federally prescribed standards promulgated in Appendix I of CPG 1-3 (also see Attachment I of OMB Circular No. A-102).

(xi) Provides for the establishment and maintenance at the State level and by subgrantees of property management systems in accordance with the Federally prescribed standards set forth in Appendix N of CPG 1-3 (also see Attachment N of OMB Circular No. A-102).

(xii) Provides for the establishment and maintenance at the State level and by subgrantees of systems for the procurement of supplies, equipment, construction, and other services, with the assistance of grant funds, in accordance with Federally prescribed standards set forth in Appendix O of CPG 1-3 (also see Attachment O of OMB Circular A-102).

(xiii) Provides for disbursement of the appropriate share of the Federal grant to the State's subgrantees in accordance with requirements detailed in CPG 1-3.

(xiv) Provides for the State's supervision and review of the civil defense plans, programs, and operations of its subgrantees to obtain conformity and compliance with Federal requirements and goals set forth or referenced in the regulations in this part and as detailed in CPG 1-3.

(xv) Contains a Statement of Compliance with grantor agency regulations under Title VI of the Civil Rights Act of 1964 including methods of administration which will be followed in order to conduct the civil defense program in accordance with Title VI of the Civil Rights Act of 1964 and the grantor agency regulations (see 44 CFR Part 307) and CPG 1-9, "Non-Discrimination in Federally Assisted Programs of the Defense Civil Preparedness Agency").

(xvi) Provides for timely submission, to the appropriate Regional Director, of amendments to the administrative plan as necessary to reflect the current laws, regulations, criteria, plans, methods, practices, and procedures for administration of the State's civil defense program and those of its subgrantees.

(xvii) Conforms to other Federal standards and requirements set forth or referenced in the regulations in this part and as detailed in CPG 1-3.

(2) As a part of its State administrative plan each participating State shall have an emergency operational plan approved by the Regional Director as complying with the criteria therefor set forth in this part and in CPG 1-3, which provides for coordinated actions to be undertaken throughout the State when the attack-caused emergencies occur. Included are the basic operational plans of the State and the operational plans for each department of the State government which has an emergency mission. In addition, each subgrantee shall have a local operational plan which conforms with the criteria therefor set forth in CPG 1-3 and CPG 1-5 "Standards for Local Civil Preparedness" and which has been approved by the chief local executive or other authorized official and accepted by the Governor or other authorized State official as being consistent with the State's operational plan.

(3) It is not required that the State administrative plan be resubmitted annually. The State shall submit amendments to the State administrative plan as necessary to reflect the current status in accordance with the procedures prescribed in CPG 1-3. Such amendments shall be reviewed by the Regional Director, who will advise the State in writing as to the effect, if any, the changes will have on the continued eligibility of the State and its subgrantees.

(b) *Annual submissions.* In order to participate for a particular Federal fiscal year, each State must, within 60 days of receipt of notice of a formal allocation made pursuant to the criteria set forth in § 302.3 and in accordance with procedures and criteria specified in CPG 1-3 (including the requirement of a 45-day period for comment by the Governor) submit to the Regional Director an approvable annual submission which includes:

(1) A request, on the forms prescribed by the grantor agency (See § 302.2(h)), for a Federal financial contribution in a specified amount for civil defense personnel and administrative expenses;

(2) Unless previously submitted for the particular Federal fiscal year, program papers on forms prescribed by the grantor agency for the State and proposed subgrantees;

(3) Staffing patterns (including new or revised job descriptions not previously submitted) on forms prescribed by the grantor agency for the civil defense organizations of the State and proposed subgrantees, and

(4) Any amendments to the State administrative plan required to reflect current status.

(c) *Approval of State administrative plan and annual submission.* If the State administrative plan and the annual submission are determined to be approvable, the Regional Director will so notify the State in writing. The State administrative plan is one-time submission. Unless amendments are necessary to meet Federal standards prescribed in the regulations in this part or in CPG 1–3, or to reflect changes in the State's administrative structure, procedures, criteria, or activities, unless a portion was conditionally approved by the Regional Director as provided for in paragraph (d) of this section, no approval regarding the State administrative plan will be required for a State which participated for the preceding Federal fiscal year.

(d) *Disapproval or conditional approval of State administrative plan or annual submission.* If a State's administrative plan or annual submission is disapproved, the Regional Director will advise the State in writing, including the reasons for such disapproval and the revisions required for approval. The State shall have 30 days from date of such notification in which to submit its revisions. In the event more time is required in which to place the revisions into effect, the Regional Director may conditionally approve the State administrative plan or annual submission subject to the specified conditions to be met within a specified time, as agreed by the State and the grantor agency.

(e) *Appeals.* Appeal from a Regional Director's disapproval of a State administrative plan or an annual submission may be made by letter to the Director, signed by an authorized State official and submitted through the Regional Director. Such appeal letter shall be mailed or otherwise transmitted so as to reach the Regional Director within 15 days after receipt of the notification of disapproval. Failure to timely file its appeal may result in the State's allocation being withdrawn and the proposed funding reallocated by the Director. Upon receipt of such an appeal the Regional Director shall forthwith forward the letter, together with all available pertinent documentation from the Regional Director's files and any additional documentation submitted by the State in support of its appeal, to the Director for review and determination. The appeal shall contain all of the exceptions being taken by the State, and no exceptions will be determined piecemeal. No portion of the appellant State's allocation will be reallocated pending determination of its appeal by the Director. The State will be notified in writing of the Director's decision, including a statement of the reasons therefor.

§ 302.6 Agreement for contributions.

Approval, pursuant to procedures and criteria described in this part and in CPG 1–3 of an annual submission of a State whose administrative plan is approved and current shall constitute agreement between the grantor agency and the State as grantee for its participation and that of its subgrantees in the programs of Federal financial contributions (50%) for necessary and essential civil defense personnel and administrative expenses during the Federal fiscal year covered by the approved annual submission on the basis of the requirements and conditions prescribed in this part, in CPG 1–3 and in other Federally promulgated criteria referenced in this part. Refusal or failure to comply with such requirements and conditions may result in the grantor agency cancelling, terminating, or suspending the grant, in whole or in part, and refraining from extending any further assistance to the grantee or subgrantee until satisfactory assurance of future compliance has been received. (See § 302.11(1)(5) and 44 CFR Part 303).

§ 302.7 Fiscal year limitation.

Federal appropriations for the program covered by the regulations in this part are limited for obligation on a Federal fiscal year basis. Each annual submission, and each amendment thereto, which results in a change in scope (e.g. an increase in the amount of funds other than a cost overrun) must be approved during the Federal fiscal year for which the funds to be charged were appropriated. Expenses incurred by a State of its subgrantee prior to the availability of the current Federal appropriation to be charged (even though they would have been allowable if incurred thereafter), do not qualify for payment of a Federal financial contribution out of such current appropriation.

§ 302.8 Merit personnel systems.

(a) *Background.* Section 208 of the Intergovernmental Personnel Act, as amended (42 U.S.C. 4728) authorizes Federal agencies to require, as a condition of participation in Federal assistance programs, systems of a personnel administration consistent with personnel standards prescribed by the Office of Personnel Management (OPM). OPM has promulgated Standards for a System of Personnel Administration (5 CFR Part 900; 44 FR 10238), which prescribe intergovernmental personnel standards on a merit basis for application, as a condition of eligibility, in the administration of grant programs. OPM has approved the adoption made by the regulations in this part.

(b) *Adoption.* Participation by each grantee and each subgrantee under the program covered in this part is subject to compliance with the following conditions regarding merit personnel systems:

Methods of personnel administration will be established and maintained in public agencies administering or supervising the administration of the civil-defense program in conformity with the Standards for a Merit System of Personnel Administration 5 CFR Part 900, which incorporate the Intergovernmental Personnel Act Merit Principles (Pub. L. 91–648 Section 2, 84 Stat. 1909) prescribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended.

Section 302.5(a)(1)(v) of this part provides, in part, that State administrative plans which fail to provide for fulfilling this condition are not approvable.

(42 U.S.C. 4728; 5 CFR Part 900; 44 FR 10238)

§ 302.9 Use of funds, materials, supplies, equipment and personnel.

Financial contributions provided under the authority of Section 205 of the Act are provided for necessary and essential State and local civil defense personnel and administrative expenses as prescribed by the regulations in this part and the provisions of CPG 1–3, and are obligated only on the basis of documentation justifying such need therefor. In addition to such civil defense use, Federal funds obligated under a grantee's approved annual submission may be used, to the extent and under such terms and conditions as prescribed by the Director in CPG 1–3, for providing emergency assistance, including the use of civil defense personnel, organizational equipment, materials, and facilities, in any area of the United States which suffers a disaster other than a disaster caused by enemy attack.

§ 302.10 Cost principles.

(a) *General.* FMC 74–4 establishes principles and standards for determining costs applicable to grants to State and local governments. The principles are for determining costs only and are not intended to identify the circumstances nor to dictate the extent of Federal or State and local financing of a particular program or project. The principles do

not apply to the extent they are restricted or prohibited by law. Attachment A of FMC 74–4 sets forth standards for allowability of particular items of cost. Both attachments of FMC 74–4 are set forth as Appendix P of CPG 1–3. Items of allowable and unallowable costs are listed. In addition, there are listed items of costs for which the prior written consent of the grantor agency is required.

(b) *Types of costs allowable only on approval of the grantor agency.* The types of costs set forth in this paragraph are allowable only upon the approval of the grantor agency. Specific inclusion of such type costs in an indirect cost proposal approved by the responsible Federal agency in accordance with the requirements of FMC 74–4 (Appendix P of CPG 1–3) shall constitute grantor agency approval of such costs as indirect costs, only to the extent that such costs are eligible under criteria contained in the regulations in this part and in CPG 1–3. Approval of such type costs by the grantor agency as direct costs shall be as prescribed in this section. When prior approval on a case basis is required, the determination shall be made by the Regional Director on the basis of the criteria contained in the regulations in this part, CPG 1–3, and the criteria set forth in other federally promulgated regulations referenced in this part.

(1) *Automatic data processing (ADP) equipment.* It is not expected that the civil defense agency of a grantee or subgrantee, will have sufficient need of automatic data processing (ADP) equipment to warrant the purchase or rental of ADP equipment for full-time civil defense needs. In requesting approval of the cost ADP service (whether for rental or for depreciation on equipment owned by the grantee or a subgrantee) such costs may be approved only on the basis of the amount of use required for the civil defense program.

(2) *Building space and related facilities.*—(i) *General.* The rental cost of space in a privately owned building and depreciation and use allowances on publicly owned buildings are allowable expenses. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space for civil defense use may not be charged to the program covered by the regulations in this part for periods of non-occupancy.

(ii) *Requirements for EOC occupancy.* Under Section 201(i) of the Act, (subject to authorization and funding) the grantor agency contributes up to one-half of certain costs incurred by a grantee or subgrantee in installing an emergency operating center (EOC) within existing building space or in space being provided by construction of a new building. The grantor agency does not contribute toward the construction of the building except for items necessary to convert a basic shell area into a functioning EOC. One of the requirements for approval of such grant projects is the agreement of the grantee or its subgrantee for regular occupancy of the EOC by its civil defense agency on a daily basis during normal business hours. The grantor agency will not contribute toward the cost of rent, depreciation, or use allowances for civil defense office space if an EOC has been obtained by the grantee or subgrantee, with the assistance of a grant under section 201(i) of the Act or other Federal funding. An exception may be granted by the grantor agency only upon the grantee's demonstration that its occupancy of the particular EOC, or that of its subgrantee, for day-to-day civil defense administration is not feasible (e.g., due to the EOC's being an unreasonable distance from the site of the State or local department of which civil defense is a part).

(iii) *Depreciation and use allowances.* Depreciation and use allowances, in lieu of depreciation, for use of publicly owned buildings are allowable expenses. The computation of depreciation and use allowances will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal government through charges to Federal grant programs or otherwise. For example, in arriving at the cost of occupancy of EOC space by a grantee's or subgrantee's civil defense agency, the portion of the space covered by the EOC contribution shall be excluded. Except to the extent the grantee or subgrantee, as the case may be, can document that the charge is not based upon costs covered by the EOC contribution, no contribution will be made under the program covered by the regulations in this part for depreciation, or a use allowance for space in an EOC.

(3) *Capital expenditures.* The cost of rearrangement and alteration of office space, furniture, furnishings, office equipment, other capital assets, and repairs which materially increase the value of useful life of capital assets is an allowable expense. When assets acquired with Federal grant funds are:

(i) Sold,

(ii) No longer available for use in a federally sponsored program, or

(iii) Used for purposes not authorized by the grantor agency, the grantor agency's one-half interest in the fair market value of the asset will be refunded. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable. (See Appendix N of CPG 1–3 and Attachment N of OMB Circular A–102). Specific approval of the grantor agency, on a case basis is required for construction projects (See paragraph (m) of §§ 302.11 and 302.13).

(4) *Insurance and indemnification.* In addition to employees' benefits in the form of the grantee's or subgrantee's payments as employer toward social security, employees' life and health insurance plans, unemployment insurance, and workmen's compensation insurance, the cost of other insurance in connection with the general conduct of civil defense activities is allowable subject to the following limitations:

(i) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.

(ii) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal government property is unallowable except to the extent that the grantor agency has specifically required or approved such costs on a case basis. Contributions to a reserve for a self-insurance program approved by the grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rate and premiums would have been allowed had insurance been purchased to cover the risks. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable. For example, the grantor agency will not contribute toward securing the grantee or subgrantee against liabilities to third persons and other losses not compensated by insurance or an approved self-insurance program or otherwise. Minor losses not covered by insurance, such as breakage and disappearance of small hand tools and office items and supplies which occur in the ordinary course of civil defense program administration will be accommodated by a contribution toward the cost of replacement or repair of the missing or damaged item.

(5) *Maintenance and operation.* The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

(6) *Management studies.* The cost of management studies to improve the effectiveness and efficiency of

management of ongoing civil defense programs is an allowable expense except that the cost of studies performed by agencies other than the grantee's or subgrantee's civil defense office or outside consultants is allowable only when and as approved on a case basis by the grantor agency.

(7) *Professional services.* The cost of professional services rendered by individuals or organizations not a part of the grantee's or subgrantee's civil defenes department is an allowable expense only when and as approved on a case basis by the grantor agency.

(8) *Proposal costs.* Cost of preparing proposals on potential civil defense grant projects are allowable.

§ 302.11 Implementation of OMB Circular A-102.

This section implements OMB circular A-102. The circular shall be complied with unless an exception is specifically referred to in this part or is otherwise clearly discernible from the text. The provisions prescribed by attachments to the Circular are contained in the Appendices to CPG 1-3 and are incorporated by reference in the regulations contained in this part.

(a) *Cash depositories*—(1) *Advanced funds.* Attachment A of OMB Circular A-102 (Appendix A of CPG 1-3) sets forth standards governing the use of banks and other institutions as depositories of funds advanced under grants. (See § 302.11(j) on grant payments).

(2) *Minority owned banks.* Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and subgrantees are encouraged to use minority banks (a bank which is owned at least 50 per cent by minority group members). A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, D.C. 20230.

(b) *Bonding and insurance.* Attachment B of OMB Circular A-102 (Appendix B of CPG 1-3) sets forth bonding and insurance requirements for grants. They pertain to contracting and to subcontracting by a grantee or subgrantee for construction or facility improvements. The grantee or subgrantee may follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000, in which case the grantee shall request approval for use of its own or subgrantee's requirements to adequately protect the Federal government's interest.

(c) *Retention and custodial requirements for records.* Attachment C of OMB Circular A-102 (Appendix C of CPG 1-3) sets forth records retention requirements for grants. The basic requirements are discussed in this paragraph (c) and subparagraphs (1) through (4). Financial records, statistical records, personnel records (including merit system administration), procurement records and all other books, papers, records, and supporting documentation pertinent to the grant shall be retained by the grantee and, as to any subgrant, by the subgrantee, for a period of three years, with the following qualifications:

(1) The retention period starts from the date of submission of the fiscal billing.

(2) If any audit, claim investigation, or litigation is started before expiration of the three-year period, the retention requirement shall not expire until the grantee is notified by the grantor agency that all such matters have been resolved and that the grantee may dispose of the records.

(3) Upon request of the granter agency for certain records, the grantee will deliver the requested records and documentation to the grantor agency for long-term retention. In case the grantee still has a need for such records, arrangements will be made for copies, including microfilm copying is so desired.

(4) The head of the grantor agency and the Comptroller General of the United States or any of their duly authority representatives shall have access to any pertinent books, documents, papers and records of any grantee or subgrantee in order to make audits, examinations, excerpts and transcripts.

(d) *Waiver of "single" State agency requirements.* Section 205 of the Act requires plans for civil defense of the United States shall be administered or supervised by a single State agency (50 U.S.C. App 2286). Notwithstanding such law, Section 204 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4214) provides authority for the Director as head of the grantor agency upon the State's request to waive the single State agency requirement, and approve other State administrative structure of arrangements upon adequate showing that the requirement prevents the establishment of the most effective and efficient organizational arrangements within the State government. First, however, the Director must have found that the objectives of the Act (50 U.S.C. App 2251-2297) will not be endangered by the use of such other State structure or arrangements. Attachment D of OMB Circular A-102 (Appendix D of CPG 1-3) requires that such requests shall be given expeditious handling by the grantor agency and that, whenever possible, an affirmative response shall be made.

(e) *Program income.* Attachment E of OMB Circular A-102 (Appendix E of CPG1-3) requires the application by the grantor agency of the standards set forth therein in requiring grantees to account for program income. With the exception of interest earned on advances and proceeds from the sale of property furnished the Federal government or purchase in whole or in part with Federal funds, gross income (such as service fees, sale of commodities, usage or rental fees) earned by the grantee or a subgrantee from activites supported under the grant progam in this part shall be

(1) Added to funds committed to the program by the grantor agency and the grantee or subgrantee and shall be used to further civil defense program objectives, or

(2) Upon specfic written approval by the grantor agency may be used to finance the non-Federal share of allowable civil defense costs. Grantee and subgrantees shall record the receipt and expenditures of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant program transactions when revenues are earmarked for its civil defense program. Any interest earned by a subgrantee on advances of Federal funds under the program in this part shall be remitted to the grantor agency. Proceeds from the sale of property, either furnished by the Federal government or procured in whole or in part with Federal funds shall be handled in accordance with Attachment N of OMB Circular A-102, "Property Management standards" (Appendix N of CPG 1-3).

(f) *Matching share.* Attachment F of OMB Circular A-102 (Appendix F of CPG 1-3) sets forth criteria and procedures for the allowability of cash and in-kind contributions made by grantees, subgrantees or third parties in satisfying cost sharing and matching requirements of the grantor agency. The provisions of subparagraphs (1) through (4) of this paragraph are in accord with the criteria and apply as an interpretation of some of the standards of Attachment F of OMB Cirular A-102 (Appendix F of CPG 1-3) with respect to their application to the program covered under the regulations in this part:

(1) *Equal matching.* Federal funds provided pursuant to the regulations in this part must be equally matched by the grantee for any non-Federal source determined by the grantee to be consistent with State law. When

authorized by Federal statute, Federal funds received from other grants may qualify for use as the grantee's contribution.

(2) *Land.* The value of any land contributed by any grantee or subgrantee (regardless of source) shall be excluded from the grantee's share.

(3) *In-kind contributions.* In-kind contributions represent the value of noncash contributions provided by the grantee, its subgrantees or other non-Federal parties. They may be in the form of charges for goods and services directly benefitting and specifically identifiable to the administration of the State and local civil defense program. Values for in-kind contributions will be established at the grantee's actual cost or fair market value in accordance with FMC 74-4 and Attachment F of OMB Circular A-102 (Appendix F of CPG 1-3).

(4) *Computation.* All costs, whether attributable to cash outlays by the grantee or to in-kind contributions must be attributable to the administration of the civil defense program during the Federal fiscal year to be charged. That is not to say that in all cases the grantee or subgrantee must have made the cash outlay (or received a donation from non-Federal sources) during the grant period. For example, depreciation or use charges may be claimed for the use during the grant period of space in a building which was donated to or procured by the grantee or a subgrantee prior to the Federal fiscal year covered by the grant period. In order to be acceptable as part of the grantee's matching share, costs must meet the following requirements:

(i) Be verifiable from the grantee's records, together with those of any subgrantee;

(ii) Not be included as a contribution under any other Federally-assisted program;

(iii) Fall within the definition of necessary and essential civil defense expenses set forth in paragraph (m) of § 302.2;

(iv) Be a type of cost allowable under the provisions of FMC 74-4;

(v) Be within the grantee's budget submission approved as a part of its annual submission;

(vi) Conform to the requirements of OMB Circular A-102, CPG 1-3, and provisions of the grantor agency's regulations in Title 44 of the Code of Federal Regulations.

(g) *Standards for grantee financial management systems.* (1) Attachment G of OMB Circular A-102 (Appendix G of CPG 1-3) prescribes standards for grantee's financial management systems. Basic provisions are set forth as paragraph (g)(2) to this section, but for additional details and requirements reference must be made to Attachment G of OMB Circular A-102 (Appendix G of CPG 1-3). Grantees shall require subgrantees to adopt the standards. In the case of subgrantees, reports shall be made through the grantee as a part of its reports.

(2) Grantees and subgrantees must maintain a financial management system which provides for the following:

(i) Accurate, current, and complete disclosure of the financial results of each grant made under the Act in accordance with the reporting requirements set forth in Attachment H of OMB Circular A-102 (Appendix H of CPG 1-3). (Also see paragraph (h) of § 302.11).

(ii) Records that identify adequately the source and application of funds for grant-supported activities, including information pertaining to Federal awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income.

(iii) Effective control over and accountability for all funds, property, and other assets. Grantees and subgrantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(iv) Comparison of actual outlays with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

(v) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury as close as possible to the time of making the disbursements.

(vi) Procedures for determining reasonableness, allowability and allocability of costs in accordance with the provisions of FMC 74-4.

(vii) Accounting records that are supported by source documentation.

(viii) Examinations in the form of audits or internal audits. Such audits should be made in accordance with generally accepted auditing standards including the standards published by the U.S. General Accounting Office, "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions". In addition, the examinations must comply with the requirements set forth in Attachment G of OMB Circular A-102 (Appendix G of CPG 1-3).

(ix) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(h) *Financial reporting requirements.* Attachment H of OMB Circular A-102 (Appendix H of CPG 1-3) prescribes uniform reporting procedures for grantees.

(1) *Financial status report.* Grantees are required to use the standardized Financial Status Report prescribed by the Office of Management and Budget (Approval No. 80-R0180) in Attachment H to OMB Circular A-102 (Appendix H of CPG 1-3) to report on the cash basis the status of funds for all nonconstruction projects and programs. The Financial Status Report shall be submitted to cover a complete Federal fiscal year within ninety days after the end thereof (by December 29th). Extensions to this reporting due date may be permitted by the grantor agency upon a showing of need therefor by the grantee. For the complete requirements, grantees are referred to Attachment H of OMB Circular A-102 (Appendix H of CPG 1-3).

(2) *Report of Federal cash transactions.* Each grantee receiving funds through a letter-of-credit or by direct Treasury checks shall submit a Report of Federal Cash Transactions prescribed by the Office of Management and Budget (Standard Form 272, Approval No. 80-RO 182) to FEMA for its use in monitoring advances and in obtaining disbursement information. Grantees are required to submit the original and two copies of the Report of Federal Cash Transactions 15 working days following the end of each quarter of the Federal fiscal year.

(i) *Monitoring and reporting program performance.* Attachment I of OMB Circular A-102 (Appendix I of CPG 1-3) prescribes procedures for monitoring and reporting program performance under Federal grants.

(1) *Monitoring.* In order to assure that performance goals are being met, each grantee shall constantly monitor its performance and that of its subgrantees and in addition, each subgrantee shall monitor its own performance as to each program, function and activity as set forth in the approved program papers.

(2) *Reporting.* Performance reports shall be submitted to grantor agency in the form, content and within the time frames set forth therefor in CPG 1-3. The CPG 1-3 provisions are in accordance with the requirements of Attachment I of OMB Circular A-102 (Appendix I of CPG 1-3). Performance reports shall briefly present the following:

(i) A comparison of actual accomplishments to the goals established for the Federal fiscal year

involved; (where the output can be readily quantified, such quantitative data should be related to cost data for computation of unit costs).

(ii) If established goals were not met, the reasons for such failure;

(iii) Any other pertinent information, including, when appropriate, an analysis and explanation of cost overruns or high unit costs.

(3) *Unexpected developments.* Between performance reporting dates, events may occur which have significant impact upon the programs, or a particular project thereof. In such case, the grantee shall inform the grantor agency as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(4) *Budget revision.* If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in Attachment K of OMB Circular A-102 (Appendix K of CPG 1-3), the grantee shall submit a request for budget revision. (Also see paragraph (k) of this section).

(j) *Grant payment requirements.* Attachment J of OMB Circular A-102 (Appendix J of CPG 1-3) establishes required methods of making payments to grantees. Grant payments are made to grantees through an advance by Treasury check (before payments are made by the grantee) by letter-of-credit, or through reimbursement by Treasury check. Procedures have been promulgated by the grantor agency in CPG 1-3 in accordance with requirements of OMB Circular A-102 and requirements of the U.S. Department of Treasury.

(1) *Advances.* In order to qualify for an advance the grantee must demonstrate:

(i) Its willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds to the grantee and their disbursement for payment of obligations of the grantee or subgrantee; and

(ii) That its financial management system meets the standards for fund control and accountability prescribed in Appendix G of CPG 1-3 (Attachment G of OMB Circular A-102). Advanced funds must be separately identified and properly accounted for as Federal funds in the fund accounts of the grantee, and, where applicable, its subgrantees. Advances made by a grantee to a subgrantee shall conform to the same standards as provided in this part and in the grantor agency procedures for advances to the grantee. The requirements prescribed or referenced in this part regarding records retention and access for audit and examination pertaining to contributions apply also to books, documents, papers, and records pertinent to an advance of Federal funds. Neither the grantee nor any of its subgrantees shall accumulate Federal funds beyond the amounts needed for immediate disbursement. Unlike the grantee, subgrantees are required to return to the Federal government any interest earned on advances. Proper use of the advance procedure should preclude the accrual of interest on funds drawn by any grantee or subgrantee. Failure to observe the time and amount limitations on drawdowns or to meet the reporting requirements established by the grantor agency may result in revocation of the unobligated portion of any letter-of-credit or denial of subsequent requests for an advance, or both.

(A) *Advances by letter-of-credit.* A grantee with an approved Federal funding request of $120,000 or more and meeting the requirements for an advance, for the Federal fiscal year may obtain cash advances of Federal contributions only by drawing payment vouchers against letters-of-credit in accordance with procedures established by the grantor agency. Each drawdown on a letter-of-credit shall be initiated at approximately the same time that the recipient grantee or its subgrantee is to disburse its funds in payment of eligible civil defense personnel and administrative expenses and shall be in amount not greater than that required to cover the Federal share of such imminent disbursement. A separate account is required in order for the grantee to draw on the U.S. Treasury when the grantee's checks are presented to its bank for payment. In order to be consistent with the national goal of expanding opportunities for minority business enterprises, it is requested that grantees and subgrantees use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, D.C. 20230. Procedures for advances by letter-of Credit are prescribed in Chapter Two of CPG 1-3 and in the grantor agency's manual entitled "Letter of Credit Procedures."

(B) *Advances by Treasury check.* Provided it meets the requirements for an advance, a grantee whose approved Federal funding for the fiscal year is not sufficient in amount to qualify for use of the letter-of-credit process or an insular area receiving consolidated grant under the provisions of Part 304 of this title may obtain advance payments by Treasury check either upon specific request or under predetermined payment schedules. Procedures for advances by Treasury check are prescribed in Chapter Two of CPG 1-3.

(2) *Reimbursement by Treasury check.* Procedures for reimbursement are prescribed in Chapter Two of CPG 1-3. Payment will be made within thirty days of receipt of each quarterly billing, unless the billing contains unallowable items or is otherwise improper.

(3) *Withholding payment.* When, after reasonable notice and opportunity for hearing the Director finds that there is a failure to expend funds in accordance with the regulations in this part, or other regulations, terms, and conditions established by or under the Act for approved civil defense plans, programs, or projects, the grantee will be notified that further payments will not be made to the grantee from appropriations under the Act (or from funds otherwise available for the purposes of the Act for any approved plan, program, or project with respect to which there is failure to comply) until the Director is satisfied that there will no longer be any such failure. Until so satisfied, the Director shall either withhold the payment of any financial contribution to such grantee or limit payments to those projects or programs with respect to which there is substantial compliance. Procedures for such withholding of payments, including notice and hearing, are set forth in Part 1803 of this title.

(k) *Budget revision procedures.* The procedures set forth in this paragraph, and as detailed in CPG 1-3, are in accordance with the requirements of attachment K of OMB Circular A-102 (Appendix K of CPG 1-3). The grant budget as used in this part means the grantee's financial plan, covering it and all subgrantees for both the Federal and non-Federal share) to carry out the program covered in this part, as approved in the grantee's annual submission. Funding requested for projects involving construction in excess of $2,000 must be separately identified. No transfer may be permitted which

would cause any Federal appropriation or part thereof to be used for purposes other than those intended.

(1) *Nonconstruction objectives.* The grantee shall request prior approval by the grantor agency when there is reason to believe that a revision will be necessary for one of the following reasons:

(i) Changes in the scope or the objective of the grant-supported program.

(ii) The need for additional Federal funding.

(iii) The transfer of amounts budgeted for indirect costs to absorb increases in direct costs.

(iv) The addition of items requiring approval in accordance with the provisions of FMC 74-4.

(v) The grantee or a subgrantee plans to transfer funds allotted for training allowances (direct payments to trainees) to other categories of expense.

(vi) The Federal share of the grantee's budget exceeds $100,000 and the cumulative amount transfereed for the then current Federal fiscal year exceeds or is expected to exceed five percent of the total approved budget for the program.

(2) *Construction grants.* When construction work in excess of $2,000 is to be covered under the program in this part, a separate approval must be submitted on grantor agency project application forms (construction) meeting the requirements of Appendix M of CPG 1-3 (Attachment M of OMB Circular A-102). No amounts may be transferred from a nonconstruction budget account to a construction budget account, or vice versa, without the prior approval of the grantor agency. In addition, the grantee shall request prior approval by the grantor agency whenever the revision results from changes in the scope or objective of the project.

(3) *Notification of excess funds.* The grantee shall notify the grantor agency promptly whenever the amount of its allocation is expected to exceed its actual needs (including those of subgrantees) by more than $5,000 or five percent (5%) of its allocation, whichever is greater.

(4) *Forms and procedures.* Approval for budget revisions shall be requested on the budget forms (See § 302.2(h)) used in the grantee's annual submission unless the revision involves construction in excess of $2,000 (see paragraph (k)(2) of this section). Within thirty (30) days of receipt of the request for budget revision, the grantor agency will review the request and notify the grantee of the grantor agency's decision, or as to the date a decision may be expected. In order to assure compliance with fiscal year limitations, requests should be submitted in time for receipt by the grantor agency at least 30 days prior to the end of the then current Federal fiscal year.

(l) *Grant closeout procedures.* Attachment L of OMB Circular A-102 (Appendix L of CPG 1-3) prescribes uniform closeout procedures for grantees. The procedures as set forth in this paragraph and as detailed in CPG 1-3 are in accordance with the requirements of Attachment L of OMB Circular A-102 (Appendix L of CPG 1-3).

(1) *Fiscal period.* Grants under the regulations in this part are made on a Federal fiscal year basis and run from October 1 of the calendar year in which the appropriation is allocated to September 30 of the following calendar year.

(2) *Billings.* Grantees shall submit billings on grantor agency prescribed forms within thirty (30) days after the end of the Federal fiscal quarter. If the grantee has received an advance of Federal funds for itself or any subgrantee, the billing will be applied against the outstanding advance. The grantee shall immediately refund any balance of unobligated (unencumbered) cash advanced to the grantee (including sums advanced to a subgrantee). The grantor agency will make prompt payment to the grantee for remaining allowable, reimbursable costs due under the grant.

(3) *Reports.* Unless an extension has been given in writing by the grantor agency, the grantee shall submit, within ninety days of the end of the grant period (i.e., by December 30) all financial, performance, and other reports required under the terms of the grant.

(4) *Property.* The grantee shall account for property acquired with the assistance of grant funds in accordance with the provisions of Appendix N of CPG 1-3 (Attachment N of OMB Circular A-102). Thus the grantee shall report to the grantor agency on each instance of the following:

(i) Any proposed non-civil defense use or any disposal proposed to be made of property acquired with the assistance of grant funds under the program covered in this part,

(ii) As to any subgrantee which will not be participating in the program for the balance of the current Federal fiscal year or succeeding Federal fiscal year, and

(iii) In addition, a report as to such property obtained by the grantee in the event the grantee is not participating for the new Federal fiscal year.

(5) *Termination for cause.* The Director may terminate any grant in whole or in part, at any time prior to the end of the then current Federal fiscal year, whenever it is determined that the grantee has failed to comply with the conditions of the grant. When, after reasonable notice and opportunity for hearing to the grantee (or to the grantee and its subgrantee, as the case may be) the Director finds that there is a failure to expend funds in accordance with the regulatons in this part, or other regulations, terms, and conditions established by or under the Act for approved civil defense plans, programs, or projects, he will notify the grantee (or the grantee and its subgrantee, as the case may be) that further payments will not be made for the grantee or any or all subgrantees from appropriations under the Act (or from funds otherwise available for the purposes of the Act for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure. Until he is so satisfied, the Director shall either withhold the payment of any financial contributions to such grantee (for it or any or all subgrantees) or limit payments to those projects or programs with respect to which there is substantial compliance. The procedures for notices, hearings, and the withholding of financial contributions by the Director shall be as prescribed in the regulations of the grantor agency appearing at 44 CFR Part 303.

(m) *Standard forms for applying for federal assistance.* The program covered in this part is a formula grant program, rather than one for which grants are obtained on a project basis, and basically not subject to the requirements of Attachment M of OMB Circular A-107 (Appendix M of CPG 1-3). However, in the event a grantee on its own behalf or that of a subgrantee, seeks to apply Federal funds provided under the program covered in this part toward the cost of a project involving construction in excess of $2,000; approval of the project is to be requested from the Regional Director, on a form, prescribed by the grantor agency for applications for Federal Assistance for Construction Programs which meets the requirements of Appendix M of CPG 1-3 (Attachment M of OMB Circular A-102). For information regarding various Federal requirements applicable by reason of the construction phase of a project see § 302.13 and 44 CFR Parts 308 and 309.

(n) *Property management standards*—(1) *General.* Attachment N of OMB Circular A-102 (Appendix N of CPG 1-3) prescribes uniform standards governing the utilization and disposition of

property furnished by the Federal Government or acquired in whole or in part with Federal funds. These standards must be observed by all grantees and subgrantees with regard to all nonexpendable property acquired with the assistance of Federal funds provided under the program covered in this part. Grantees and subgrantees may use their own property management standards and procedures provided that they include the provisions set forth in Appendix N of CPG 1-3. (Attachment N of OMB Circular A-102).

(2) *Summary.*—(i) *Use and disposal.* Included are requirements that tangible nonexpendable personal property acquired by a grantee or subgrantee with the assistance of a Federal financial contribution shall be used by the grantee or subgrantee in the grant program for which it was acquired as long as needed therefor, then for other activities sponsored by the grantor or another Federal agency. Also, when no longer needed for any such purposes, the property may be used or disposed of only as specified by the grantor agency in accordance with the federally prescribed management standards which include provisions for payment of compensation to the grantor agency for its portion of the fair market value of the property. The federally prescribed standards also provide for disposal or nonrestrictive use, upon payment for the Federal share of the fair market value, of property no longer needed for Federal or federally assisted program use.

(ii) *Procedural requirements.* Included without limitation are the procedural requirements set forth in this paragraph.

(A) *Property records.* Accurate property records must be maintained which will identify (including manufacturer's serial number or other identifying number where appropriate) the property obtained from or with the assistance of the Federal Government and details regarding any disposition. The records must also show the program or project for which the property was required; the location, use being made, condition of the property and the date the information was reported.

(B) *Inventory.* A physical inventory shall be taken and the results reconciled with the property records at least once every two years. Quantity discrepancies shall be investigated and fully documented. The grantee, or subgrantee as the case may be, shall, in connection with the inventory, verify the existence, current use, and continued need for the property.

(C) *Control system.* A control system shall be in effect to insure adequate safeguards to prevent the loss, damage, or theft of the property. Any loss, damage, or theft of a property shall be investigated and fully documented. Each suspected theft shall be reported to the appropriate police authority.

(D) *Maintenance.* Adequate maintenance procedures shall be implemented to keep the property in good condition.

(E) *Disposal by sale.* Where the grantee or a subgrantee is authorized or required to sell an item of property, proper sale procedures shall be established to provide competition and to assure the highest return.

(o) *Procurement standards.*—(1) *General.* Attachment O of OMB Circular A-102 (Appendix O of CPG 1-3) provides standards for use by grantees in establishing procedures for the procurement of supplies, equipment, construction, and other services with the assistance of Federal grant funds. The standards are applicable to grantees and subgrantees under the program covered in this part.

(2) *Summary.*—(i) *Grantee's rules.* Grantees and subgrantees may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with the assistance of Federal financial contributions adhere to the standards set forth in Appendix O of CPG 1-3 (Attachment O of OMB Circular A-102). The Federally prescribed standards do not relieve the grantee or subgrantee of contractual responsibilities arising under its contracts. The Federally prescribed standards include among others, provisions requiring standards of conduct, open and free competition, and minimum procurement procedures.

(ii) *Procedures.* The minimum procedures must contain requirements regarding review by officials, invitations for bids, request for proposals, utilization of small businesses and minority owned businesses, procuring instruments, formal advertising, negotiated procurement, and contract administration.

(iii) *Contract provisions.* Standards regarding contractural provisions and conditions include requirements such as termination clauses, EEO clauses and bid provisions (in accordance with E.O. 11246, E.O. 11375 and U.S. Department of Labor regulations at 41 CFR Parts 60-1 and 60-4), requirements for availability of contractor's records clauses regarding rights to inventions, and agreement to comply with the Clean Air Act, where applicable.

(iv) *Clauses for construction and repair contracts.* Requirements include the provisions for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented by U.S. Department of Labor regulations appearing at 29 CFR Part 3. Construction contracts, awarded under the program covered in this part, which exceed $2,000 shall include the labor standards clause set forth in Part 308 of this title. (Also see 29 CFR Part 5.) This clause includes a provision for compliance with Section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) pertaining to overtime. Such contracts, and any other Federally assisted contracts in excess of $2,500 involving the employment of laborers and mechanics, shall include provisions for compliance with section 107 (as well as section 103) of the Work Hours and Safety Standards Act, which prohibit contractors and subcontractors from requiring any laborer or mechanic to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to his/her health or safety as determined under standards promulgated by regulations of the U.S. Secretary of Labor. (Also see § 302.13 and 44 CFR part 309.)

§ 302.12 Other Federal requirements.

By submission of a request for Federal financial assistance under the program covered in this part, each grantee, on its own behalf and that of its subgrantees, agrees as a condition of the grant to comply with the Federally approved requirements and proscriptions set forth in this section. Refusal or failure to comply may result in the grantor agency cancelling, terminating, or suspending the grant, in whole or in part, and refraining from extending any further assistance to the grantee or subgrantee until satisfactory assurance of future compliance has been received.

(a) *Archeological and historic sites.* Each grantee and subgrantee shall assist the grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.). Without limitation, activities by each grantee in this regard include:

(1) Consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800) by the activity, and notifying the grantor agency of the existence of any such properties; and

(2) Complying with all requirements established by the grantor agency to avoid or mitigate adverse effects upon such properties.

(b) *Environmental protection.* Each grantee and subgrantee shall insure that the facilities under its ownership, lease or supervision which are to be utilized in the accomplishment of the programs covered in this part are not listed on the Environmental Protection Agency's (EPA) list of violating facilities and shall notify the grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

(c) *Flood insurance.* Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234, 87 Stat. 975, approved December 31, 1973, requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified as a special flood hazard area. Costs are not allowable for acquisition or construction, reconstruction, repair or improvement of a building, or for the acquisition or repair of personal property in a building which is located in an identified special flood hazard area unless the assisted property is covered by flood insurance up to the full value of the property or the limit of available flood insurance coverage, whichever is less. Identified special flood hazard areas are areas having special flood hazards as identified by the Federal Emergency Management Agency and published in the **Federal Register.**

(d) *Handicap.* Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112) as amended by Pub. L. 93-516) prohibits discrimination on the basis of handicap in any programs or activities receiving Federal financial assistance.

(e) *Hatch Act.* (5 U.S.C. 1501 et seq.) The Hatch Act prohibits covered State and local officers and employees from engaging in the following activities:

(1) The use of official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office;

(2) Directly or indirectly coercing or attempting to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose; or

(3) Be a candidate for elective public office in a partisan election. An officer or employee of a grantee or subgrantee agency is subject to the Hatch Act if, as a normal and foreseeable incident to his/her principal job or position, he/she performs duties in connection with an activity financed in whole or in part by Federal loans or grants. Certain exceptions are provided both as to types of employment and types of office or candidacy. Grantees and subgrantees must insure compliance on the part of covered employees. The penalty for a violation is removal from employment and a bar on employment in a State or local agency within the same State for a period of 18 months. Failure of a State or local agency to comply may result in withholding of Federal grants up to an amount equal to two years' pay of the employee (see 5 CFR Part 151).

(f) *Nondiscrimination.* (1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (See grantor agency regulations at 44 CFR Part 307 and CPG 1-10.)

(2) The Age Discrimination Act (42 U.S.C. 6101-7) provides that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

(g) *Relocation assistance.* The Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (Pub. L. 91-646) applies to those federally assited programs or projects conducted by a grantee or its subgrantee which involve the acquisition of real property or cause the displacement of people, businesses, or farm operations. With regard to the requirements applying, it is immaterial whether Federal funds are applied to the cost of the real property. Each grantee and subgrantee agrees not to proceed with any phase of a project which will cause the displacement of any individual, partnership, corporation, or association or the acquisition of any real property without first providing the grantor agency a satisfactory assurance, as required by sections 210 and 305 of Pub. L. 91-646 that fair and reasonable relocation payments and assistance shall be provided to or for displacing persons as required to be provided by a Federal agency under sections 202, 203, and 204 of Pub. L. 91-646, and that within a reasonable period of time prior to displacements, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with Section 205 of Pub. L. 91-646.

§ 302.13 Projects involving construction.

(a) *Procedures.* In the event a grantee or subgrantee is to apply any portion of the Federal funds provided under the program in this part toward the cost of a project involving construction in excess of $2,000 the grantee must obtain the prior approval of the Regional Director on construction project application forms. (See paragraph (m) of § 302.11)

(b) *Additional Federal requirements.* As a condition to allowability under the program in this part, of any portion of the cost of a project involving construction, a number of additional Federal requirements may apply. The major categories of requirements and proscriptions are set forth in this section. Additional information is contained in 44 CFR Part 309, CPG 1-3, and in regulations of various other Federal agencies which administer the specific standards and requirements—as referenced in the regulations in this part, 44 CFR Part 309, and in CPG 1-3. Refusal or failure to comply may result in the grantor agency cancelling, terminating, or suspending the grant, in whole or in part, and refraining from extending any further assistance to the grantee or subgrantee until satisfactory assurance of future compliance has been received. (See § 302.6 and subparagraphs (1) and (5) of § 302.11 of this part, and 44 CFR Part 303.)

(1) *Acessibility by the physically handicapped.* In undertaking projects for new facilities, and for renovation to the extent they can be implemented in the area to be renovated with the use of Federal funds provided under the program covered in this part, each grantee and subgrantee shall provide for making the facilities accessible to and usable by the physically handicapped. The requirements are contained in General Services Administration (GSA) regulations appearing at 41 CFR Subpart 101-17.5, issued under authority of the Architectural Barriers Act of 1968 (Pub. L. 90-480).

(2) *Equal employment opportunity.* The grantee or its subgrantee, as the case may be, shall incorporate the federally prescribed equal employment opportunity (EEO) clause set forth at 41 CFR 60-1.4(b) into any contract for construction work or modification that is paid for with the assistance of Federal funds furnished under the program covered in this part. In addition, the grantee and subgrantee, where applicable, shall:

(i) Be bound by the clause with respect to its own employment practices when it participates in federally assisted construction work. The clause is applicable only to State and local

departments that participate in the work under the contract.

(ii) Affirmatively cooperate with and assist the U.S. Department of Labor in obtaining the compliance of contractors and subcontractors. The grantee must furnish either the grantor agency or the Office of Federal Contract Compliance Programs (OFCCP) with any information that either agency may require for the supervision of such compliance.

(iii) Refrain from entering into any contract or contract modification with a contractor who has been determined by the Federal government to be ineligible for any further Federal contracting or contract bidding or who has not otherwise demonstrated eligibility for government contracts and federally assisted construction contracts.

(iv) Carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the grantor agency or the U.S. Secretary of Labor.

(3) *Labor standards*—(i) *Wage rates (Davis-Bacon Act).* The obligations of each grantee include ensuring that every contract let by a grantee or subgrantee which involves construction in excess of $2,000 and which is funded in part from Federal funds provided under the program covered in this part, shall include as a part thereof the labor standards provisions, in completed form, set forth at 44 CFR 308.4 (also see 29 CFR 5.5) and shall have attached thereto the applicable wage determination of the U.S. Secretary of Labor (see 29 CFR Part 1). Each advertisement of an invitation to bid shall indicate expressly that if the construction phase of the contract exceeds $2,000, the Davis-Bacon Act requirements apply and the grantee or subgrantee shall place a copy of the current prevailing wage determination issued by the U.S. Secretary of Labor in each solicitation and the award of the contract shall be conditioned upon acceptance of the wage determination (see 44 CFR 308.3 and Appendix 0 of CPG 1-3).

(ii) *Work hours and overtime.* The work hours and overtime provisions of the Work Hours and Safety Standards Act of 1962 as amended (40 U.S.C. 327 et seq.) and the Federal regulations issued thereunder (29 CFR Part 5) apply to contracts and subcontracts involving the employment of laborers and mechanics which are assisted by Federal funds provided under the program covered in this part. The provisions prescribe an eight-hour work day, a 40-hour work week and "time and half" for overtime. The grantor agency may withhold funds from the grantee in an amount sufficient to pay the amount of any unpaid wages and liquidated damages determined to be due under the provisions of the statute.

(iii) *Anti-kickback.* The Copeland Act, 18 U.S.C. 874, 40 U.S.C. 270c and the regulations issued thereunder (29 CFR 3.1 et seq.) apply to the construction or repair of a building or work financed in part under the program covered in this part. It provides procedures for submission by contractors and subcontractors of weekly payroll statements and permissible deductions from wages. It also prescribes a criminal penalty for including an employee to make a kickback.

(iv) *Safety standards.* The safety standards provisions of the Contract Work Hours and Safety Standards Act as amended (40 U.S.C. 327 et seq.) and the regulations issued thereunder (29 CFR Part 1926) apply to each contract entered into by a grantee or subgrantee for construction alteration and/or repair, including painting and decorating which is financed in part with Federal funding provided under the program covered in this part. Each such contract must provide as a condition thereof that no contractor or subcontractor for any part of the work shall require any laborer or mechanic engaged in the performance of the contract to work in any place, or under any working conditions which are unsanitary, hazardous or dangerous to health and safety.

(v) *Convict labor.* With the exception of labor performed by convicts who are on parole, probation, or an approved work training program meeting the requirements of Executive Order No. 11755, dated December 28, 1973 (39 FR 779), convict labor shall not be used on construction performed with the assistance of Federal funds furnished under the program covered in this part.

Robert E. Young,

Acting Associate Director for Plans and Preparedness, Federal Emergency Management Agency.

[FR Doc. 80-30630 Filed 9-30-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 400

Refugee Resettlement Program

AGENCY: Office of Refugee Resettlement, Office of the Secretary (OS), HHS.

ACTION: Correction to final rule.

SUMMARY: On September 9, 1980, the Office of Refugee Resettlement, OS, HHS, published a final rule on plan and reporting requirements for States under the Refugee Resettlement Program. The final rule added a new Part 400 to Chapter IV of Title 45 of the *Code of Federal Regulations.* However, the rule failed to establish a new Chapter IV of Title 45 of the *Code of Federal Regulations.* This document corrects that error.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Dennis Gallagher, (202) 426-6510.

Correction

In F.R. Doc. 80-27724 appearing at page 59318, the amendatory language which appears on page 59323 is corrected to read as follows:

"45 CFR is amended by establishing a new Chapter IV, entitled Office of Refugee Resettlement, Department of Health and Human Services, consisting at this time of new Part 400, to read as follows:"

(Sec. 412(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1522(a)(9))

Dated: September 25, 1980.

Robert F. Sermier,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 80-30463 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-12-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1000, 1061, and 1067

Index and Applicability of CSA Regulations

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing a final rule which provides an Index to its current policy statements. This rule indicates which directives are in effect for grants made under specific authorities in the Economic Opportunity Act of 1964, as amended.

EFFECTIVE DATE: This rule is effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Maryann J. Fair, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, Telephone (202) 254-5047, Teletypewriter (202) 254-6218.

SUPPLEMENTARY INFORMATION: In the past Instructions were printed and mailed to each grantee. CSA now is

using the **Federal Register** and the Code of Federal Regulations (CFR) exclusively as the sole source of publication of its rules. The index has been changed to have a chronological list by subpart listing. However, we have included a cross-index to CSA Instructions where appropriate. This will enable grantees to identify the regulations when their reference is to the old system of Instructions. As noted on the cross-index, the regulations that have no Instruction number beside them indicates that the policy statement was only printed in the **Federal Register** and no Instruction version was printed. (For further information refer to Subpart 1067.6, "**Federal Register:** Access to Daily Publication" which explains the publication system and requires grantees to purchase the CFR and **Federal Register**.)

The following changes also are being made: Part 1067, is amended by redesignating Subpart 1067.50, Index and Applicability of CSA Regulations, to a new Part 1000.

Part 1061, is amended by deleting Subpart 1061.52 "Emergency Energy Conservation, Fiscal Year 1979, Crisis Intervention", because of policy termination date.

(Sec. 602, 78 Stat. 530; (42 U.S.C. 2942))

Michael T. Blouin,

Assistant Director for Community Action.

45 CFR, Chapter X is amended as follows:

PART 1061—CHARACTER AND SCOPE OF SPECIFIC PROGRAMS

§§ 1061.52-1—1061.52-17 (Subpart 1061.52) [Revoked]

1. In Part 1061, Subpart 1061.52 is revoked.

PART 1067—FUNDING OF CSA GRANTEES

§§ 1067.50-1—1067.50-6 (Subpart 1067.50) [Redesignated as Part 1000]

2. 45 CFR, PART 1067 is amended by redesignating subpart 1067.50 as a new PART and subpart as follows:

PART 1000—INDEX AND APPLICABILITY OF CSA REGULATIONS

Subpart 1000.1—Index and Applicability

Sec.
1000.1-1 Applicability.
1000.1-2 Policy.
Appendix A to § 1000.1, Index and Applicability.
Appendix B to § 1000.1, Index and Applicability.

Authority: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).

Subpart 1000.1—Index and Applicability

§ 1000.1-1 Applicability.

This subpart applies to all agreements made under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1000.1-2 Policy.

The General Conditions of all CSA-administered grants made under the authorities of Title II, IV and VII of the Economic Opportunity Act provide that program funds expended under the grant are subject to CSA policy statements. This subpart shows which policy statements are in effect for grants as well as cooperative agreements made under specific authorities in the EOA.

BILLING CODE 6315-01-M

INDEX AND APPLICABILITY OF CAS REGULATIONS BY FUNDING SOURCE

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TITLE OF DIRECTIVE	TITLE VII	TITLE II						TITLE IV
				221	222(a)	230	231	232	234	
	1000.1	Index and Applicability	X	X	X	X	X	X	X	X
	1005	Freedom of Information Act Regulations	Not Applicable							
	1006	Privacy Act Regulations	Not Applicable							
	1010.1	Civil Rights Program Requirements of CSA Grantees; Civil Rights Regulations	X	X	X	X	X	X	X	X
	1015	Standards of Conduct for Employees	Not Applicable							
	1026.1	Contracts and Administration	Not Applicable							
X	1050 Subpart A	Implementation of Uniform Federal Standards by the Community Services Administration	X	X	X	X	X	X	X	X
X	1050 Subpart B	Cash Depositories	X	X	X	X	X	X	X	X
X	1050 Subpart C	Bonding and Insurance	X	X	X	X	X	X	X	X
X	1050 Subpart D	Retention and Custodial Requirements for Records	X	X	X	X	X	X	X	X
X	1050 Subpart E	Program Income		X	X	X	X	X	X	X
X	1050 Subpart F	Cost Sharing and Matching	X	X	X	X	X	X	X	X
X	1050 Subpart G	Standards for Financial Management Systems	X	X	X	X	X	X	X	X
X	1050 Subpart H	Financial Reporting Requirements	X	X	X	X	X	X	X	X
X	1050 Subpart I	Monitoring and Reporting Performance		X	X	X	X	X	X	X

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TITLE OF DIRECTIVE	TITLE VII	TITLE II 221	222(a)	230	231	232	234	TITLE IV
X	1050 Subpart J	Payment Requirements	X	X	X	X	X	X	X	X
X	1050 Subpart L	Grant Closeout Procedures	X	X	X	X	X	X	X	X
X	1050 Subpart M	Suspension and Termination Procedures	X	X	X	X	X	X	X	X
X	1050 Subpart N	Standard Form for Applying for Federal Assistance (SF 424)	X	X	X	X	X	X	X	X
X	1050 Subpart O	Property Management Standards	X	X	X	X	X	X	X	X
X	1050 Subpart P	Procurement Standards	X	X	X	X	X	X	X	X
	1060.1	Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs		X	X	X	X	X	X	X
	1060.2	CSA Income Poverty Guidelines	X	X	X	X	X	X	X	X
	1060.3	Limitation on Benefits to Those Voluntarily Poor	X	X	X	X	X	X	X	X
	1061.4	New Statement of CSA Policy on Family Planning		X	X	X	X	X		X
	1061.12	Use of EFMS Funds for Food Stamp Activities			X					
	1061.20	Summer Youth Recreation Program; Funding Application Process			X					
	1061.30	Emergency Energy Conservation Program			X					
	1061.31	Emergency Energy Conservation Program; Energy Data Form			X					
	1061.50	Community Food and Nutrition Program			X					
	1061.51	Funding Requirements for Fiscal Year 1981 Crisis Intervention Program			X					
	1061.70	Energy Crisis Assistance Program Fiscal Year 1980			X					

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TITLE OF DIRECTIVE	TITLE VII	TITLE II 221	222(a)	230	231	232	234	TITLE IV
	1062 Subparts A-I	Community Action Agencies; Eligibility and Establishment		CAA						
	1062 Subpart J	Boards and Committees of Title II Programs		X	X	X	X	X	X	
	1063.129	CAA Relationships to Pilot Programs		CAA				X		
	1063.130	The Mission of the Community Action Agency		CAA						
	1063.131	Means of Carrying Out A Community Action Program	X	X	X	X	X	X	X	X
	1063.132	Characteristics of Eligible Activities		X	X					
	1063.133	Eligible Activities		CAA						
	1064.1	Appeal to CSA By An Organization That Would Like to Serve As a Delegate Agency		X	X	X	X	X	X	X
	Not Codified (See CSA Instruction 6710-1)	Applying for a CAP Grant		X	X					
	1067.2	Denial of Application for Refunding		X	X					X
	1067.4	Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects	X	X	X	X	X	X	X	X
	1067.5	General Conditions Governing Certain CSA Grants Funded	X	X	X	X	X	X	X	X
	1067.6	Federal Register: Access to Publications; Federal Register and the Code of Federal Regulations	X	X	X	X	X	X	X	X
	1067.7	Due Process Rights for Applicants Denied Benefits Under CSA-Funded Programs	X	X	X	X	X	X	X	X
	1067.9	Special Conditions When a Community Action Component Is Delegated to a Church or Church Related Organization	X	X	X	X	X	X	X	X
	1067.10	CSA Procedures for the Federal Project Notification and Review System (PNRS)	X	X	X		X		X	

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TITLE OF DIRECTIVE		TITLE II						
			TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	1067.15	Applying for a Grant Under Title VII of the Community Services Act	X							
	1067.16	Amending a Grant Under Title VII of the Community Services Act	X							
	1067.17	Preparing a Budget for a Title VII Grant Under the Community Services Act	X							
	1067.30	Preparation of CSA Form 314, Statement of CSA Grant	X	X	X	X	X	X	X	X
	1067.40	Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA		X	X		X			
	1067.41	Program Account Structure	X	X	X	X	X	X	X	X
	1067.42	Establishing and Maintaining Program Accounts	X	X	X	X	X	X	X	X
	1067.43	Accounting for Delegated or Contracted Activities	X	X	X	X	X	X	X	X
	1067.51	Independent Funding of "Versatile CAP" Programs Section 221(b)		X	X			X		
	1067.60	Final Approval of CSA Grant Contract Action		Not Applicable						
	1067.61	Criteria for Determining the Delegation of Grant and Contract Making Authority to Regional Director		Not Applicable						
	1067.80	Applying for a Research, Demonstration and Pilot Grant Under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964 as Amended			X			X	X	
	1068.3	Limitation on CAA Administrative Costs		CAA						

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TITLE OF DIRECTIVE	TITLE VII	TITLE II 221	222(a)	230	231	232	234	TITLE IV
	1068.5	Allowances and Reimbursements for Members of Policy Making Bodies	X	X	X	X	X	X	X	X
	1068.6	Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes	X	X	X	X	X	X	X	X
	1068.20	Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs		X	X		X			
	1068.40	Funding of Third Party Contractors		X	X	X	X	X	X	X
	1068.42	Grantee Fiscal Responsibility and Auditing	X	X	X	X	X	X	X	X
	1068.43	Grantee Fiscal Responsibility and Auditing	X	X	X	X	X	X	X	X
	1068.50	Cost Principles	X	X	X	X	X	X	X	X
	1069.1	Employee Participation in Direct Action	X	X	X	X	X	X	X	X
	1069.2	Limitations with Respect to Unlawful Demonstrations, Rioting and Civil Disturbances	X	X	X	X	X	X	X	X
	1069.6	Policy Guidance on Lobbying Activities	X	X	X	X	X	X	X	X
	1069.7	Training Requirements for Special Impact Program Grantees	X							
	1069.8	Restrictions on Politicial Activities	X	X	X	X	X	X	X	X
	1069.9	Policies and Procedures on $18,000 Per Year Salary Limitation		X	X					

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TITLE OF DIRECTIVE	TITLE VII	TITLE II 221	222(a)	230	231	232	234	TITLE IV
	1069.20	Personnel Policies and Procedures Under Title II, Sections 221, 222(a), 230 and Titles IV and VII	X	X	X	X				X
	1069.21	Personnel Policies and Procedures Under Title II, Section 231					X			
	1069.22	Personnel Policies and Procedures Applicable Under Title II Sections 221 222(a), 230, 232 and Title IV and VII	X	X	X	X		X		X
	1069.24	Employment of Persons with Criminal Records	X	X	X	X	X	X	X	X
	1069.25	Assistance to Vietnam-Era Veterans	X	X	X	X	X	X	X	X
	1069.26	Social Security Coverage for Employees Under CAP Grants	X	X	X	X	X	X	X	X
	1069.27	Outside Employment of Grantee and Delegate Agency Personnel	X	X	X	X	X	X	X	X
	1069.28	Prohibition Against Acceptance of Gifts and Gratuities	X	X	X	X	X	X	X	X
	1069.30	Personnel Policies and Procedures; Application to Personnel of State Economic Opportunity Offices Under Title II, Section 231					X			
	1070.1	Public Access to Grantee Information	X	X	X	X	X	X	X	X
	1070.2	Grantee Public Meetings and Hearings	X	X	X	X	X	X	X	X
	1070.4	Grantee Involvement in the News Media	X	X	X	X	X	X	X	X
	1075.1	State Economic Opportunity Offices					X			
	1076.5	Special Impact Program Policies and Priorities	X							

UNIFORM FEDERAL STANDARD	CODE OF FEDERAL REGULATIONS	TITLE OF DIRECTIVE	TITLE II							
			TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	1076.10	Composition and Selection of CDC Boards of Directors	X							
	1076.20	Non-Equity Business Programs Funded by CDCs	X							
	1076.30	Training, Public Service Employment, and Social Service Programs Funded by CDCs	X							
	1076.40	Location of CDC Ventures	X							
	1076.41	Waiver of Non-Federal Share of Program Costs for Certain Title VII Programs	X							
	1076.50	Rural Development Loan Fund	X							

BILLING CODE 6315-01-C

Appendix B to § 1000.1, Index and Applicability

[Cross reference]

CSA Instruction [1]		CFR
	Index and Applicability	1000.1
I-6001-01	Means of Carrying Out a Community Action Program	1063.131
I-6001-03	Characteristics of Eligible Activities	1063.132
I-6001-1	Eligible Activities	1063.133
	Civil Rights Program Requirements of CSA, Grantees; Civil Rights Regulations.	1010.1
	CSA Income Poverty Guidelines	1060.2
I-6004-2	Limitation on Benefits to Those Voluntarily Poor	1060.3
I-6004-5	Due Process Rights for Applicants Denied Benefits Under CSA-Funded Program.	1067.7
I-6005-1	Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs.	1060.1
I-6100-lb, and CH-1	Program Account Structure	1067.41
I-6130-1	New Statement of CSA Policy on Family Planning	1061.4
I-6132-1	Use of EFMS Funds for Food Stamp Activities	1061.12
	Community Food and Nutrition Program	1061.50
I-6140-01	Independent Funding of "Versatile CAP" Programs Section 221(b).	1067.51
I-6143-1a	Emergency Energy Conservation Program	1061.30
I-6143-2	Emergency Energy Conservation Program; Energy Data Form.	1061.131
	Funding Requirements for Fiscal Year 1981 Crisis Intervention Program.	1061.51
	Energy Crisis Assistance Program	1061.70
I-6158-1	Special Impact Program Policies and Priorities	1076.5
I-6158-2a	Non-Equity Business Programs Funded by CDCs	1076.20
I-6158-3	Training, Public Service Employment and Social Service Programs Funded by CDCs.	1076.30
I-6158-4	Locaton of CDC Ventures	1076.40
	Summer Youth Recreation Program; Funding Application Process.	1061.20
I-6302-2 and CH-1	CAAs, Eligibility and Establishment	1062.1 Subparts A-I
I-6320-1	The Mission of the Community Action Agency	1063.130
I-6335-1	CAA Relationship to Pilot Programs	1063.129
I-6400-01a	Boards and Committees of Title II Programs	1062 Subpart J
I-6402-2	Composition and Selection of CDC Boards of Directors	1076.10
I-6441-01	Special Conditions When a Community Action Component is Delegated to a Church or Church Related Organization.	1067.9
I-6441-1	Appeal to OEO by an Organization That Would Like to Serve As a Delegated Agency.	1064.1
I-6710-1	Applying for a CAP Grant	Not Codified
I-6710-1, CH-10	Preparation of CSA Form 314, Statement of CSA Grant	1067.30
I-6710-1, CH-11	Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA.	1067.40
I-6710-3a	CSA Procedures for the Federal Project Notification and Review System (PNRS).	1067.10
I-6710-6	Applying for a Grant Under Title VII of the Community Services Act.	1067.15
I-6710-8	Preparing a Budget for a Title VII Grant Under the Community Services Act.	1067.17
I-6730-1a	Denial of Application for Refunding	1067.2
I-6800-1	Implementation of Uniform Federal Standards by the Community Services Administration.	1050 Subpart A
I-6800-2	Cash Depositories	1050 Subpart B
I-6800-3	Bonding and Insurance	1050 Subpart C
I-6800-4	Retention of Custodial Requirements for Records	1050 Subpart D
I-6800-5	Program Income	1050 Subpart E
I-6800-6	Cost Sharing and Matching	1050 Subpart F
I-6800-7	Standards for Financial Management Systems	1050 Subpart G
I-6800-8	Financial Reporting Requirements	1050 Subpart H
I-6800-9	Monitoring and Reporting Performance	1050 Subpart I
I-6800-10, and CH-1	Payments Requirements	1050 Subpart J
I-6800-12	Grant Closeout Procedures	1050 Subpart L
I-6800-13	Suspension and Termination Procedures	1050 Subpart M
I-6800-14	Standard Form for Applying for Federal Assistance (SF 424)	1050 Subpart N
	Property Management Standards	1050 Subpart O
	Procurement Standards	1050 Subpart P
I-6801-1, and CH-1	Grantee Fiscal Responsibility and Auditing	1068.42
I-6801-1, CH-2	Grantee Fiscal Responsibility and Auditing	1068.43
I-6802-3a, and CH-2	Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs.	1068.20
I-6803-1b	Allowances and Reimbursements for Members of Policy Making Bodies.	1068.5
I-6806-01	Establishing and Maintaining Program Accounts	1067.42
I-6806-4	Accounting for Delegated or Contracted Activities	1067.43
I-6807-1	Limitation on CAA Administrative Costs	1068.3
I-6810-1	Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes.	1068.6
I-6900-01	Personnel Policies and Procedures Under Title II, Sections 221, 222(a), 230 and Titles IV and VII.	1069.20
I-6900-02	Personnel Policies and Procedures Under Title II, Section 231.	1069.21
I-6800-03	Personnel Policies and Procedures Applicable Under Title II, Sections 221, 222(a) 230, 232 and Titles IV and VII.	1069.22
I-6900-04	Personnel Policies and Procedures; Applicable to Personnel of State Economic Opportunity Offices Under Title II, Section 231.	1069.30

Appendix B to § 1000.1, Index and Applicability—Continued

[Cross reference]

CSA Instruction [1]		CFR
I-6901-1	Employment of Persons with Criminal Records	1069.24
I-6901-2	Assistance to Vietnam-Era Veterans	1069.25
I-6903-1a	Policies and Procedures on $18,000 Per Year Salary Limitation.	1069.9
I-6903-3	Payment for Overtime and Authorization for Compensatory Time.	1069.20
I-6906-01	Social Security Coverage for Employees Under CAP Grants	1069.26
I-6907-01	Policy Guidance on Lobbying Activities	1069.6
I-6907-1a	Restrictions on Political Activities	1069.8
I-6907-2	Limitations with Respect to Unlawful Demonstrations, Rioting and Civil Disturbances.	1069.2
I-6907-3	Employee Participation in Direct Action	1069.1
I-6907-4	Outside Employment of Grantee and Delegate Agency Personnel.	1069.27
I-6909-1	Prohibition Against Acceptance of Gifts and Gratuities	1069.28
I-7000-01	Funding of Third Party Contractors	1068.40
	Federal Register: Access to Publications; Federal Register and the Code of Federal Regulations.	1067.6
I-7041-1	Public Access to Grantee Information	1070.1
I-7042-1	Grantee Public Meetings and Hearings	1070.2
I-7044-1a	Grantee Involvement in the News Media	1070.4
I-7050-1	General Conditions Governing Certain CSA Grants Funded	1067.5
I-7501-1	State Economic Opportunity Offices	1075.1
I-7570-1, 2, 3, 4	Applying for a Research Demonstration and Pilot Grant Under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964 as Amended.	1067.80
I-7641-1	Waiver of Non-Federal Share of Program Costs for Certain Title VII Programs.	1076.41
I-7648-1	Training Requirements for Special Impact Program Grantees	1069.7
I-7850-1a	Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects.	1067.4
	Rural Development Loan Fund	1076.50
	Cost Principles	1068.50

[1] Where there is no Instruction number it indicates that it was only printed in the Federal Register.

[FR Doc. 80-30444 Filed 9-30-80; 8:45 am]

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45 CFR Parts 1062, 1067

Board and Committees of Title II Programs

AGENCY: Community Services Administration.

ACTION: Amendment to final rule.

SUMMARY: On May 14, 1979 (44 FR 28266) the Community Services Administration (CSA) published its final rule on Boards and Committees of Title II Programs in the **Federal Register.** An explanation of the rationale for this policy and various methods of implementing the rule was published in the preamble of this document. To assist grantees with implementing the rule, CSA is publishing this information as guidance in an Appendix to the Rule.

In addition, CSA is deleting outdated material from: Subpart 1067.6—Access to Publications: **Federal Register** and the Code of Federal Regulations; Subpart 1067.5 General Conditions, Appendix B; and Subpart 1067.80—Applying for a Research, Demonstration and Pilot Project under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964, as amended.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy McTighe, Community Services Administration, 1200—19th Street, N.W., Washington, D.C. 20506, (202) 254-5047 Teletypewriter: (202) 254-6218.

SUPPLEMENTARY INFORMATION: CSA has determined that this document is not a significant rule in accordance with Executive Order 12044. This Appendix to Subpart J—Boards and Committees of Title II Programs is not new policy and provides only guidance to a Final Rule.

In addition, CSA is deleting outdated information from subparts listed in the summary to update the Code of Federal Regulations.

(Sec. 602, 78 Stat. 530 (42 U.S.C. 2974))

Joseph P. Maldonado,

Deputy Director for Community Action.

Part 1062—Community Action Agencies; Eligibility and Establishment

45 (CFR) Chapter X is amended as follows:

1. Part 1062, Subpart J is amended as follows: Appendix A—Work Plan—Chronology of Activities and Appendix B—Forms and Documents for Designation and Recognition of Community Action Agencies which were incorrectly designated as *Appendixes* to Part 1062 Subpart J in the October 1, 1979 issue of 45 CFR should be correctly re-designated as: Appendixes of Subpart I—Withdrawal of OEO Recognition—as follows: Appendix A of Part 1062 Subpart I—Work Plan—Chronology of Activities and Appendix B of Part 1062 Subpart I—Forms and Documents for Designation and Recognition of Community action Agencies.

2. Part 1062 Subpart J—Boards and Committees of Title II Programs is amended by adding an Appendix as follows:

Appendix to Part 1062—Subpart J—Boards and Committees of Title II Programs

CSA is attaching this appendix to Subpart J in order to explain the rationale for its various policies and to advise CAA(s) on ways of putting those policies into practice.

A. Community Action Agencies (§ 1062.200-3)

The 1967 Amendments to the Economic Opportunity Act had a broad effect on CAA boards. The new Section 211 spelled out in greater detail than ever before the compositon of CAA boards. For the first time it became a matter of law that CAA boards must have representation from three sectors of the community: from public officials, from the poor themselves, and from private organizations.

1. Boards of Directors of Community Action Agencies

There are two ways to become a CAA. The local government may designate a private,

nonprofit corporation of a separate public agency to be the CAA. Or the local government may serve as the CAA in its own right. Correspondingly, there are two types of CAA boards. Private, nonprofit corporations and separate public agencies have *governing boards.* When the local government serves as the CAA, it administers its program through a *community action board.* These two kinds of boards have the same structure and select their members in the same way. They differ, as we shall see below, only in their powers and functions.

a. Composition of the Board

The guiding idea behind the Economic Opportunity Act of 1964 was that only the community as a whole can overcome poverty. Assistance from Federal and State governments can raise individuals or families above the level of poverty, but in order to rid the community as a whole of poverty it is necessary to remove the causes of poverty, the social as well as the economic causes. Only the community, working as a unit, can do that.

By writing section 211 into the ACT in 1967, Congress intended to bring together the three sectors of the community which can most influence the condition of poverty in the community: public officials, the poor themselves, and private organizations. Public officials and private organizations control the public and private resources which can help rid the community of poverty. The poor themselves know their own needs—they can tell the doctor where it hurts, as Sargent Shriver used to put it. The representatives of each sector bring to the board something vital in the struggle against poverty. We stress, then, that each person serving on the board must represent a part of the community. No one serves on the board simply as an individual of good will working for a good cause.

This section of the Subpart, to conclude, is determined entirely by section 211(b) of the Act. The Director has no administrative discretion to change any of these requirements.

b. Selecting Members of the Board

(1) *Public Officials.*—One result of the 1967 Amendments to the Act was to place under the aegis of the State or local government the one-third of the seats on the board allotted to public officials. It was the intention of Congress that public officials take an active part in determining how the CAA will combat poverty in the community. Thus the board cannot on its own initiative invite public officials to join it. The power to name public officials to the board belongs solely to the designating officials. When the designating officials have selected the public officials to sit on the board, they should inform the board in writing of their selections.

Both the 1972 and the 1978 Amendments to the Act altered the requirements for the public officials serving on the board. Now public officials must in the first instance be elected officials who are currently holding office. Only if there are not enough elected officials available and willing to serve may appointed public officials serve on the board. The rule also includes a general statement on which public offices are most appropriate for service on the board, which is drawn from the Conference Report on the 1972 Amendments (H.R. Rep. No. 1246, 92nd Cong., 2nd Sess., p. 37). The statement is necessarily general because there is such a variety of elected offices with a variety of responsibilities across the country. Disputes over the appropriateness of a given office can only be resolved case by case at the local level.

Each individual public official has the prerogative to name his/her own (but only one) representative to the board. These representatives, one must bear in mind, act in the interest of the public officials whom they represent in matters brought before the board, and not as individuals, even though they need not be public officials themselves. Hence the representative must be authorized in some way to act for the public official. It may be useful for the board to have in its files a record of the authorization, for example in the form of a letter of introduction, but the rule does not require such a record.

It may happen from time to time that there are not enough public officials, either elected or appointed, who are available and willing to serve on the board (or, we might add, who were willing to name a representative to serve in their places once they have been named to the board). CSA has determined that these seats should remain vacant until public officials are willing to fill them. The board itself cannot fill these seats since it is the prerogative of the designating officials to do so.

(2) *Representatives of the Poor.*—This subpart allows the board a good deal of discretion in determining how representatives of the poor are to be selected. It is, for example, the prerogative of the board to include in its bylaws how representation will be apportioned throughout the community—at large, by areas, or from groups designated by the board—and how the selection procedure will be carried out. It is also the board's responsibility to determine how to establish voter eligibility. CSA administering offices will approve a CAA's plan for its adequacy in fostering the maximum feasible participation of the poor in the selection procedure and in assuring fair representation for all of the poor in the community. They will not determine the content of the plan.

(3) *Representatives of Private Organizations.*—Representation is to be "drawn from" private social service agencies, etc., and from among business, industry, and labor organizations. It is not necessary that every category of organization be represented on the board all the time. Rather, the plan for selecting private organizations which is to be included in the bylaws should outline what kinds of groups are eligible for selection and how groups are to be rotated from year to year in order to assure board representation from within the community.

It has been suggested that public welfare and public educational institutions should be represented in this sector of the board. We emphasize, to the contrary, that organizations represented in this sector must be *private.* If and when public welfare and public educational institutions are represented on the board, they must be seated as part of the public sector.

By requiring that representatives of private organizations "be empowered to speak and act on behalf of" their organizations, CSA is not implying that the organization must endorse its representative's positions on board matters. Rather, CSA is requiring that the representative consider the interest of his/her organization in matters upon which the board is deliberating.

(4) *Residence Requirement.*—Section 211(b) of the Act is the source for this requirement. It applies to all members of the board, whether public officials or representatives of the poor or of private organizations, when they are selected to represent a specific geographic area within the community.

(5) *Limitations on Board Service.*—Section 211(b) of the Act limits the number of years which a representative of the poor or of a private organization may serve on the board. These representatives may serve no more than five consecutive years and no more than a total of ten years on the board. The Act places no such limitation on public officials, and the Director of the agency has no authority to impose any limitation. CSA has determined that representatives of the poor and of private organizations may not serve on the board in any capacity for at least one full year after having served five consecutive years. The intent of the limitation is to assure that the many people in these sectors have the opportunity to be seated on the board. The limitation does not prevent people who have gained a certain expertise through service on the board from serving the CAA or the community in any other capacity. Moreover, the limitation will allow more people to gain that expertise for use within the larger community.

(6) *Conflict of Interest.*—This provision of the Subpart, we wish to emphasize, has nothing to do with improprieties in funding programs. On the contrary, conflict of interest is not simply a matter of funding or of preferential treatment for certain organizations contracting to perform a component of the CAA work program. A more important source of conflict lies in the matter of objectivity and perspective. Too dependent a relationship between the board and it contractors may prevent the board from shifting the emphasis of its programs to meet the changing needs of the community. For this reason, CSA is requiring more than that board members disqualify themselves on certain votes.

The provision applies, first of all, only to organizations funded to perform a component of the CAA work program, and then only to those organizations performing components of the work program funded by CSA. Note that CSA is using the term "officer" in its technical sense to encompass the entire board of directors of an organization.

The provision on conflict of interest for Federal employees is not administratively imposed by CSA, but is Federal law (cf. 18 U.S.C. 203 and 205). In sum, the law stipulates that a regular officer or employee of the Federal government may not, except in the discharge of his official duties, act as an

agent of or as attorney for anyone else before a court or government agency in a matter in which the United States is a party or has an interest. This restriction does not prevent Federal employees from serving on CAA boards, or even from holding an office on the board, since the words "to act as an agent of or attorney for" have a very technical meaning in the law.

(7) *Selection of Members of the Board vs. Formal Appointment.*—This section is designed to clarify the difference between selection and formal appointment for those jurisdictions where formal appointment is required.

c. Powers of the Board

Before we discuss the powers of governing boards and community action boards, let us pause for a moment and talk in general about corporate boards and their powers. The directors of a corporation are the people who make the ultimate decisions on what the corporation will do and how it will do it. In industry it is the directors of a corporation, of General Motors for example, who decide on operating procedures, production quotas, plant expansion, new products, and so one. Quite literally, the board of General Motors *is* the corporation. GM's employees, from the president to the workers on the assembly line, are *its* employees. Not all CAA's are corporations, of course, but it is instructive to compare even those which are not to the corporate model.

(1) *Governing Boards.*—A CAA doesn't necessarily manufacture anything, but the governing board of a private, nonprofit CAA or of a separate public agency, like any corporate board, has many important decisions to make. Among other things, a governing board must decide each year how to divide up its budget among the progams which the CAA offers. It must approve proposals to solicit new funds. It must approve operating procedures for the CAA. Just as for General Motors, the Board *is* the corporation, and the CAA's employees are *its* employees. In sum, then, the governing board is legally responsible for the actions of the CAA. It alone has the power to make financial decisions. And it alone has the power to set policy for the CAA.

(2) *Local Government and the Community Action Board.*—The governing board of a private, nonprofit CAA or of a separate public agency is entirely responsible for the actions of the CAA. When the local government serves as the CAA, however, these responsibilities are shared by the community action board and the designating officals. The designating officials have the power to make financial decisions and to set policy for the CAA, unless they choose to delegate these powers to the community action board. The community action board, on the other hand, shares with the designating officials the power to select the Executive Director of the CAA and make recommendations to the designating officials on policy for the program.

The line of division through these responsiblities is that between policy and administration. Unless the power to make policy is delegated to the community action board, the board can only submit its recommendations on matters of policy. Nevertheless, section 211(a) of the Act mandates that the board have a role in the administration of the CAA. In order to carry out that role, the placement of the CAA within the government clearly must allow the board to communicate directly with the designating officials and with the Executive Director. Although the Executive Director is accountable ultimately to the designating officials, he/she at a minimum should provide to the board all administrative, financial, and programmatic reports on the operations of the CAA and in addition should keep the board fully informed of current program developments. The board will then be in a position to consult with the designating officials on the status of those operations. It is the responsibility of the government to establish these lines of communication with the board. The board must be able to make known its opinions and recommendations on the administration of the CAA at any level where decisions are made on that administration, from the Executive Director up to the designating officials.

In addition to this continuing role in the administration of the CAA, the community action board has the power to participate jointly and to concur formally in the selection of the Executive Director. Since the language of this power is necessarily very technical, let us explain what the power entails. We emphasize that both the board and the designating officials must have equal opportunities to propose candidates and to participate in the process of selection, and both must agree upon the candidate selected for the position. The following are examples of how the process of selecting the Executive Director may be carried out. This list is not exclusive, and any procedure which is a valid joint selection is acceptable so long as both the board and the designating officials accept it. (Note that in jurisdictions where the designating officials are prohibited by charter from engaging in personnel actions, an appointed official, such as a city manager or a county administrator, may represent the designating officials in the selection.)

The Board may "participate jointly" when the designating officials and the board together form a nominating committee. They may do so, for example, in the following ways:

(a) The designating officials (in their capacity as designating officials) and the board nominate an equal number of members to the committee. The members named from the board are from among the representatives of the poor and of private organizations.

(b) The designating officials and the board form the committee along with representatives from disinterested private and public social service organizations in the community. Each group is allotted one-third of the seats on the committee.

(c) The designating officials and the board hire a consulting firm to screen candidates in place of a nominating committee.

Once the nominating committee is formed, the board may "concur formally," for example, in the following ways:

(a) The nominating committee draws up a list of acceptable candidates and submits it to the designating officials.

If the designating officials approve no candidate, then the nominating committee begins the process once again. Otherwise, the designating officials select one acceptable candidate from the list and submit the name to the board for approval. If the board disapproves the candidate, then the designating officials select another candidate from the list for the approval of the board. If no candidate is acceptable both to the designating officials and to the board, then the nominating committee starts the process over again.

(b) The nominating committee draw up a list of acceptable candidates and submits it to the board. The community action board disapproves any—or all—of the candidates and submits the revised list to the designating officials for the final selection of the Executive Director. If the board approves no candidate from the list, then the nominating committee begins the process once again. As above, if no candidate is acceptable to both the board and the designating officials, then the nominating committee starts the process over again.

(c) The nominating committee has the power to select the Executive Director which is binding on both the designating officials and the board. The first option in forming the nominating committee is most appropriate for this selection procedure.

These examples, to repeat, are not exclusive, and any procedure which in a valid joint selection in acceptable so long as both the board and the designating officials accept it. This process of joint selection, let us also add, may not take place until the current agreement or contract with the Executive Director is fulfilled.

2. Contracts for Performing Components of the Work Program

This section of the Subpart sets forth the conditions under which the CAA may delegate responsibility for programs either to other organizations or to subsidiary boards under the umbrella of the CAA. These requirements guarantee that the poor are fully involved in making decisions for these delegated programs.

3. Bylaws of the Community Action Agency

This section of the Subpart comprises the legislative and administrative requirements which properly belong in the CAA bylaws. The rule outlines the procedure for drawing up these bylaws only for newly designated CAAs. Existing CAAs will have 60 days from the effective date of this Subpart to bring their bylaws into compliance with these requirements.

a. Composition of the Board.—The board (whether an interim board or an existing board revising its bylaws to come into compliance) must include in its bylaws the total number of seats on the board and the allotment of those seats to the three sectors.

b. Selection Procedures.—The board can develop for its bylaws any plans for selection it chooses, within the general criteria outlined in §§ 1062.200–3(a)(2)ii and (a)(2)iii. The plan for selecting representatives of the poor must describe the apportionment of representatives throughout the community (at large, by areas, from groups, or in any

combination of these); the particular selection procedure to be used (ballot, general meeting, etc.); and how eligibility to vote will be established, particularly for the poor (self-declaration, residence, etc.). The details of the selection procedure, however, such as publicity and the location of the polling places, need not be included in the bylaws. The plan for selecting private organizations to serve on the board need outline only what kinds of organizations may be selected, how representation will be balanced between private social service organizations and organizations from business and labor, and how they will be rotated if there are more willing to serve on the board than there are seats available.

c. Petition by Other Groups for Adequate Representation on the Board.—Section 211(d)(2) of the Act requires each CAA to establish a procedure by which groups that feel themselves inadequately represented can petition the board for seats. The procedure must be described in the bylaws.

d. Removal.—Provisions for removal cannot extend to public officials or to their representatives, even when they are consistently absent from board meetings. As we stated above in describing the selection of public officials, it is the prerogative of the designating officials alone to fill the seats allotted to public officials. The board can only petition the designating officials to remove public officials or their representatives for whatever cause, including absenteeism.

e. Alternates.—The board may allow alternates to substitute for board members when this practice is consistent with state corporate law. Representatives of public officials may not themselves have alternates because they are already acting as agents for public officials. Since these representatives are not alternates in the same sense as those for representatives of the poor and of private organizations, they may serve as officers of the board. Representatives of the poor may not select their own alternates. The alternate must be accountable to the same constituency as the representative, even though the alternate and the representative may hold different opinions on matters brought before the board.

Some may object that alternates should not be allowed, arguing that the practice diminishes the responsibility of board members. CSA does recognize their argument, but points out that while the subpart does not require boards to allow alternates, the practice may increase participation of the poor.

f. Vacancies.—It is the board's duty to see that vacancies are filled as soon as is reasonably possible. If the board has chosen to allow alternates, the alternate may assume the vacant position. If there is no alternate, then the boards fills the vacant seat in much the same manner as the seat was originally filled. It asks the designating officials to fill vacancies among the public officials and the private organization to send a new representative. In the case of representatives of the poor, the board may include in its bylaws either of two options. It may repeat the original selection procedure, or it may allow the remaining representatives of the poor, acting alone, to select the representative to fill out the term, on the condition that the person selected represent as much as possible the same constituency as the original representative.

g. Quorum.—A quorum for a board meeting is at least 50 percent of the nonvacant seats on the board. The board should note in its minutes how many seats are vacant at the time of each meeting so that it will be possible to determine that the quorum has been met. And, as noted above, it is the board's duty to fill vacancies as soon as is reasonably possible.

h. Schedule and Notice of Meetings.—The board must meet at least every ten weeks. Only in extraordinary circumstances will an exception be granted and only if the board applies to the appropriate CSA administering office for permission. Also, the board must provide its members notice of and the agenda for any meeting at least five days in advance. The board should also provide sufficient notice to the public before any open meeting of the board.

i. Minutes.—If board members are to be fully informed of board business, they must receive the minutes of the previous meeting before the next meeting. In order to keep the general public, and particularly the poverty population, informed of board business, these minutes should be available to the public upon request, and translations should be available in any language spoken by a significant portion of the poverty population.

j. Executive Committee.—This Subpart does not require the full board to ratify the decisions of the executive committee. Ratification, we believe, might prevent the committee from acting in a timely manner. It is enough that the committee report to the board any actions it has taken in the interim between meetings. We stress, however, that the CAA's bylaws should state explicitly that the committee may transact only routine and ordinary business between board meetings, and not the substantial business of the agency which requires approval of the full board. Within this limited scope, the board may vote, where possible, to reverse a particular decision of the committee which it opposes. Further, if the board is sufficiently opposed to the pattern of decision making on the part of the committee, it can vote to change the committee's membership.

k. Compensation.—CSA does not permit regular compensation to all members for service on the board. But section 244(l) of the Act authorizes allowances to be paid to the poor and reimbursements for expenses to be paid to all board members. See Subpart 1068.5 of this Chapter, Allowances and Reimbursements for Members of Policy Making Bodies, for a complete discussion.

B. Limited Purpose Agencies (§ 1062.200–4)

CSA has not established extensive structural requirements for LPA boards because, in general, the agency extends no commitment to LPAs beyond the term of their grants. Since CSA does not either by statute or by administrative regulation "recognize" LPAs, as it does CAAs, we require only that an LPA involve the poor in the direction of the project for which it has been funded. An LPA may involve the poor in either of two ways. It may already have, or may choose to establish, a board of directors which is composed of at least one-third representatives of the poor. Or it may establish an advisory committee for the project which is composed of at least a majority of democratically selected representatives of the poor.

PART 1067—FUNDING OF CSA GRANTEES

3. Section 1067.6–2 is amended by revising paragraph (a) deleting paragraphs (c) and (d), and by redesignating paragraph (e) as (c) and paragraph (f) as (d) as follows:

§ 1067.6–2 Policy.

(a) CSA publishes all proposed and final rules in the **Federal Register** (Monday and Thursday). CSA's General Conditions Governing Grants states that "Program funds expended under authority of this funding action are subject to the provisions of * * * Community Services Administration (CSA) directives." Therefore in order to have available these directives (rules and regulations) CSA requires grantees to subscribe to the **Federal Register** at $75.00 a year. (This subscription includes the monthly publication list of CFR sections affected (LSA) and the index to the **Federal Register**.)

* * * * *

4. Appendix A to Subpart 1067.80 is amended by revising paragraph (d) of Item 3 as follows:

* * * * *

3. Category 1.3, Consultants and Professional Services.

(a) * * *
(b) * * *
(c) * * *
(d) If the budget includes consultants fees the Budget Support Sheets should indicate the specific types of consultant services for which a need is anticipated.

5. Part 1067 is amended by amending Subpart 1067.5—General Conditions Governing Certain CSA Grants Funded (CSA Instruction 7050–1) as follows: Appendix B—Item 6. *Use of Consultants* is deleted in its entirety. In addition, the following items in the appendix are redesignated as follows:

Item 7 as Item 6
Item 8 as Item 7
Item 9 as Item 8
Item 10 as Item 9
Item 11 as Item 10
Item 12 as Item 11

Item 13 as Item 12
Item 14 as Item 13
Item 15 as Item 14
Item 16 as Item 15

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[FR Doc. 80-30442 Filed 9-30-80; 8:45 am]

BILLING CODE 6315-01-M

45 CFR Parts 1067, 1068 and 1069

Cost Principles; Grantee Financial Management

AGENCY: Community Services Administration

ACTION: Final rule.

SUMMARY: The Community Services Administration is implementing the provisions of OMB Circular A-21, Cost Principles for Education Institutions, OMB Circular A-122, (attachments B and C), Cost Principles for Nonprofit Organizations, and 74-4, Cost Principles Applicable to Grants and Contracts with State and Local Governments, and is reprinting the cost principles applicable to nonprofit organizations in this final rule. The principles are designed to provide that the Federal Government bear its fair share of costs except where restricted or prohibited by law. The costs principles also replace a number of existing regulations issued by CSA.

EFFECTIVE DATE: October 31, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Maryann J. Fair, Community Services Administration, Policy Development and Review Division, 1200 19th Street, NW., Washington, D.C. 20506. Telephone (202) 254-5047. Teletypewriter (202) 254-6218.

On July 8, 1980 the Office of Management and Budget published OMB Circular A-122, Cost Principles for Nonprofit Organizations in the **Federal Register** at pp. 46022-46034. Cost principles for educational institutions and State, local, and federally recognized Indian tribal governments had been published previously in OMB Circulars A-21 and 74-4 respectively. These principles are to be used by CSA and all other Federal agencies in determining the costs of work performed under grants, cooperative agreement, cost reimbursement contracts, and other contracts in which costs are used in pricing, administration or settlement.

Since nonprofit organizations do not have easy access to OMB Circulars, CSA is republishing the cost principles found in Circular A-122 as a new Subpart to PART 1068 of Chapter X. By so republishing, these costs principles will be incorporated into the body of CSA's regulations published in Title 45 of the Code of Federal Regulations and thereby permanently accessible to nonprofit organizations funded by CSA.

CSA does not plan to republish OMB Circular A-21 or 74-4.

This final rule implements Circulars A-21 and 74-4, and Attachments B and C of Circular A-122. Attachment A, General Principles, will be published in the near future.

Portions or all of a number of CSA rules are superseded by these Circulars and the amendatory language of this rule reflects those supersessions. Rules affected include:

Part 1068 is amended by deleting subpart 1068.30, Membership Dues and Related Expenses Paid to Professional Organizations; subpart 1068.4, Allowability of Costs Incurred to Borrow Funds; and subpart 1068.8, Use of Federal Funds for Union Activities. Part 1069 is amended by deleting subpart 1069.3, Travel Regulations for CSA Grantees and Delegate Agencies; and subpart 1069.4, Per Diem Rates for CSA Grantees and Delegate Agencies. Subparts 1067.17 and 1067.5, Appendix A, are revised as noted in the amendatory language to this document.

In addition, CSA's grantee personnel policies are affected by a number of the selected cost principles. However, since CSA is in the process of revising all of these policies and publication is imminent, we are not inserting language to amend each of the policies as now codified. However, any cost principles relating to personnel items will supersede any contradictory statements found in policies previously published by CSA except where CSA's policy has been legislatively mandated, e.g. the $18,000 salary limitation imposed on grantees funded under Sections 221 and 222(a) of the Economic Opportunity Act.

(Sec. 602, 78 Stat, 530, 42 U.S.C. 2942)

William W. Allison,

Deputy Director.

45 CFR Chapter X is amended as follows:

PART 1068—GRANTEE FINANCIAL MANAGEMENT

Subpart 1068.4, 1068.8, 1068.30 [Revoked]

In part 1068, subparts 1068.4, 1068.8, and 1068.30 are revoked.

PART 1069—GRANTEE PERSONNEL MANAGEMENT

Subpart 1069.3, 1069.4 [Revoked]

In Part 1069, subparts 1069.3 and 1069.4 are revoked.

PART 1067—FUNDING OF CSA GRANTEES

§ 1067.17-4 [Amended]

In Part 1067, subpart 1067.17, § 1067-4 (c)(2)(iv)(B)(*ii*), the second sentence reading "Retainers are not permitted," is revoked.

In Part 1067, subpart 1067.17, § 1067.17-4 (c)(2)(iv)(C)(*ii*), the last sentence "See § 1069.4-1 through § 1069.4-5 and § 1069.3-1 through § 1069.3-4 (CSA Instruction 6910-2b and CSA Instruction 6910-1, change 4)", is revoked.

Subpart 1067.5, Appendix A [Amended]

In Part 1067, subpart 1067.5, appendix A, item 3, Limitation on expenditure of program funds, the first sentence is revised to read as follows: "Expenses charged against program funds may not be incurred prior to the effective date of the grant or subsequent to the termination date unless written prior approval has been received from the CSA funding official and may be incurred only as necessary to carry out the purposes and activities of the approved program."

PART 1068 [Amended]

§ 1068.30-2 [Amended]

§ 1068.30-3 [Amended]

§ 1068.30-4 [Revoked]

In Part 1068, subpart 1068.30, the following changes are made: § 1068.30-2(a)(2) is revised to read "Memberships may not be purchased in the name of any individual." Section 1068.30-2(b) is revoked. The title of § 1068.30-3 is revised to read "§ 1068.30-3 Criteria for Review." In §1068.30-3, subparagraph (a) is revised to read "(a) *Review Criteria.* If a CSA funded organization proposes to expend CSA funds for membership in a state, regional or national association, it will assure that:" Section 1068.30-4, Procedures, is revoked.

45 CFR Part 1068 is amended by adding a new subpart as follows:

Subpart 1068.50—Cost Principles

Sec.
1068.50-1 Applicability.
1068.50-2 Purpose.
1068.50-3 Implementation date.
1068.50-4 Supersession.

Appendix to Subpart 1068.50—OMB Circular A-122, Cost Principles for Nonprofit Organizations.

Authority: Section 602, 78 Stat. 530, (42 U.S.C. 2942)

§ 1068.50-1 Applicability.

The provisions of OMB Circular A-21, Cost Principles for Educational

Institutions, OMB Circular A-122, Cost Principles for Nonprofit Organizations and Circular 74-4, Cost Principles applicable to Grants and Contracts with State and Local Governments, are applicable to all grants and agreements made under the Economic Opportunity Act of 1964, as amended, when the assistance is administered by the Community Services Administration. All subawards (delegate agency agreements, subcontracts, etc.) are subject to those cost principles applicable to the particular organization concerned, e.g. if a nonprofit grantee enters into a delegate agency agreement with a nonprofit organization Circular A-122 shall apply; however, if that same grantee contracts with a college or university, Circular A-21 shall apply.

§ 1068.50-2 Purpose.

The purpose of this subpart is to implement the cost principles pursuant to OMB Circulars A-122, A-21, and 74-4 by advising organizations, agencies, units of government and educational institutions funded by CSA of their applicability and to incorporate Circular A-122 into CSA's body of published regulations in order to assure that it is readily accessible to nonprofit organizations. Circulars A-21 and 74-4 may be obtained by writing to the Office of Administration, Publications Unit, Room G-236, New Executive Office Building, Washington, D.C. 20503.

§ 1068.50-3 Implementation date.

The provisions of these Circulars are effective as of [30 days following publication in the **Federal Register**.] However, if an organization has an existing award as of [30 days following publication in the **Federal Register**] and does not wish to be governed by these cost principles while under this award, that organization will so inform the CSA Regional or Headquarters office responsible for administering the grant. In such a situation the organization will continue to be bound for the remainder of the funding period by those regulations superseded by the cost principles. However, the cost principles will apply at the start of the next award made to that organization.

§ 1068.50-4 Supersession.

The cost principles published in OMB Circulars A-21, A-122, and 74-4 supersede cost principles previously issued by CSA except those cost principles which have been legislatively mandated.

Appendix to § 1068.50—OMB Circular A-122, Cost Principles for Nonprofit Organizations

[Circular No. A-122]

June 27, 1980.

To The Heads of Executive Departments and Establishments

Subject: Cost principles for nonprofit organizations.

1. *Purpose.* This Circular establishes principles for determining costs of grants, contracts and other agreements with nonprofit organizations. It does not apply to colleges and universities which are covered by Circular A-21; State, local, and federally recognized Indian tribal governments which are covered by Circular 74-4; or hospitals. The principles are designed to provide that the Federal Government bear its fair share of costs except where restricted or prohibited by law. The principles do not attempt to prescribe the extent of cost sharing or matching on grants, contracts, or other agreements. However, such cost sharing or matching shall not be accomplished through arbitrary limitations on individual cost elements by Federal agencies. Provision for profit or other increment above cost is outside the scope of this Circular.

2. *Supersession.* This Circular supersedes cost principles issued by individual agencies for nonprofit organization.

3. *Applicability.* a. These principles shall be used by all Federal agencies in determining the costs of work performed by nonprofit organizations under grants, cooperative agreements, cost reimbursement contracts, and other contracts in which costs are used in pricing, administration, or settlement. All of these instruments are hereafter referred to as awards. The principles do not apply to awards under which an organization is not required to account to the Government for actual costs incurred.

b. All cost reimbursement subawards (subgrants, subcontracts, etc.) are subject to those Federal cost principles applicable to the particular organization concerned. Thus, if a subaward is to a nonprofit organization, this Circular shall apply; if a subaward is to a commercial organization, the cost principles applicable to commercial concerns shall apply; if a subaward is to a college or university, Circular A-21 shall apply; if a subaward is to a State, local, or federally recognized Indian tribal government, Circular 74-4 shall apply.

4. *Definitions.* a. *"Nonprofit organization"* means any corporation, trust, association, cooperative, or other organization which (1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations. For this purpose, the term "nonprofit organization" excludes (i) colleges and universities; (ii) hospitals; (iii) State, local, and federally recognized Indian tribal governments; and (iv) those nonprofit organizations which are excluded from coverage of this Circular in accordance with paragraph 5 below.

b. *"Prior approval"* means securing the awarding agency's permission in advance to incur cost for those items that are designated as requiring prior approval by the Circular. Generally this permission will be in writing. Where an item of cost requiring prior approval is specified in the budget of an award, approval of the budget constitutes approval of that cost.

5. *Exclusion of some nonprofit organizations.* Some nonprofit organizations, because of their size and nature of operations, can be considered to be similar to commercial concerns for purpose of applicability of cost principles. Such nonprofit organizations shall operate under Federal cost principles applicable to commercial concerns. A listing of these organizations is contained in Attachment C. Other organizations may be added from time to time.

6. *Responsibilities.* Agencies responsible for administering programs that involve awards to nonprofit organizations shall implement the provisions of this Circular. Upon request, implementing instruction shall be furnished to the Office of Management and Budget. Agencies shall designate a liaison official to serve as the agency representative on matters relating to the implementation of this Circular. The name and title of such representative shall be furnished to the Office of Management and Budget within 30 days of the date of this Circular.

7. *Attachments.* The principles and related policy guides are set forth in the following Attachments:

Attachment A—General Principles

Attachment B—Selected Items of Cost

Attachment C—Nonprofit Organizations Not Subject to This Circular

8. *Requests for exceptions.* The Office of Management and Budget may grant exceptions to the requirements of this Circular when permissible under existing law. However, in the interest of achieving maximum uniformity, exceptions will be permitted only in highly unusual circumstances.

9. *Effective Date.* The provisions of this Circular are effective immediately. Implementation shall be phased in by incorporating the provisions into new awards made after the start of the organization's next fiscal year. For existing awards the new principles may be applied if an organization and the cognizant Federal agency agree. Earlier implementation, or a delay in implementation of individual provisions is also permitted by mutual agreement between an organization and the cognizant Federal agency. [CSA funded organizations please note implementation dates in § 1068.50-3].

10. *Inquiries.* Further information concerning this Circular may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503, telephone (202) 395-4773.

James T. McIntyre, Jr.,

Director.

[Circular No. A–122]

Attachment A

General Principles

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[Circular No. A–122]

Attachment A [Reserved]

Attachment B

Selected Items of Cost

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[Circular No. A–122]

Attachment B

Selected Items of Cost

Paragraphs 1 through 50 provide principles to be applied in establishing the allowability of certain items of cost. These principles apply whether a cost is treated as direct or indirect. Failure to mention a particular item of cost is not intended to imply that it is unallowable; rather determination as to allowability in each case should be based on the treatment or principles provided for similar or related items of cost.

1. *Advertising costs.*

a. Advertising costs mean the costs of media services and associated costs. Media advertising includes magazines, newspapers, radio and television programs, direct mail, exhibits, and the like.

b. The only advertising costs allowable are those which are solely for (i) the recruitment of personnel when considered in conjunction with all other recruitment costs, as set forth in paragraph 40; (ii) the procurement of goods and services; (iii) the disposal of surplus materials acquired in the performance of the award except when organizations are reimbursed for disposals at a predetermined amount in accordance with Attachment N of OMB Circular A–110; or (iv) specific requirements of the award.

2. *Bad debts.* Bad debts, including losses (whether actual or estimated) arising from uncollectible accounts and other claims, related collection costs, and related legal costs, are unallowable.

3. *Bid and proposal costs.* (reserved)

4. *Bonding costs.*

a. Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the organization. They arise also in instances where the organization requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

b. Costs of bonding required pursuant to the terms of the award are allowable.

c. Costs of bonding required by the organization in the general conduct of its operations are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances

5. *Communication costs.* Costs incurred for telephone services, local and long distance telephone calls, telegrams, radiograms, postage and the like, are allowable.

6. *Compensation for personal services.*

a. *Definition.* Compensation for personal services includes all compensation paid currently or accrued by the organization for services of employees rendered during the period of the award (except as otherwise provided in paragraph g. below). It includes, but is not limited to, salaries, wages, director's and executive committee member's fees, incentive awards, fringe benefits, pension plan costs, allowances for off-site pay, incentive pay, location allowances, hardship pay, and cost of living differentials.

b. *Allowability.* Except as otherwise specifically provided in this paragraph the costs of such compensation are allowable to the extent that:

(1) Total compensation to individual employees is reasonable for the services rendered and conforms to the established policy of the organization consistently applied to both Government and non-Government activities; and

(2) Charges to awards whether treated as direct or indirect costs are determined and supported as required in this paragraph.

c. *Reasonableness.*

(1) When the organization is predominantly engaged in activities other than those sponsored by the Government, compensation for employees on Government-sponsored work will be considered reasonable to the extent that it is consistent with that paid for similar work in the organization's other activities.

(2) When the organization is predominantly engaged in Government-sponsored activities and in cases where the kind of employees required for the Government activities are not found in the organization's other activities, compensation for employees on Government-sponsored work will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor markets in which the organization competes for the kind of employees involved.

d. *Special considerations in determining allowability.* Certain conditions require special consideration and possible limitations in determining costs under Federal awards where amounts or types of compensation appear unreasonable. Among such conditions are the following:

(1) Compensation to members of nonprofit organizations, trustees, directors, associates, officers, or the immediate families thereof. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of earnings in excess of costs.

(2) Any change in an organization's compensation policy resulting in a substantial increase in the organization's level of compensation, particularly when it was concurrent with an increase in the ratio of Government awards to other activities of the organization or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

e. *Unallowable costs.* Costs which are unallowable under other paragraphs of this Attachment shall not be allowable under this paragraph solely on the basis that they constitute personal compensation.

f. *Fringe benefits.*

(1) Fringe benefits in the form of regular compensation paid to employees during

periods of authorized absences from the job, such as vacation leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each.

(2) Fringe benefits in the form of employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, pension plan costs (see paragraph g. below), and the like, are allowable provided such benefits are granted in accordance with established written organization policies. Such benefits whether treated as indirect costs or as direct costs, shall be distributed to particular awards and other activities in a manner consistent with the pattern of benefits accruing to the individuals or group of employees whose salaries and wages are chargeable to such awards and other activities.

(3)(a) Provisions for a reserve under a self-insurance program for unemployment compensation or workmen's compensation are allowable to the extent that the provisions represent reasonable estimates of the liabilities for such compensation, and the types of coverage, extent of coverage, and rates and premiums would have been allowable had insurance been purchased to cover the risks. However, provisions for self-insured liabilities which do not become payable for more than one year after the provision is made shall not exceed the present value of the liability.

(b) Where an organization follows a consistent policy of expensing actual payments to, or on behalf of, employees or former employees for unemployment compensation or workmen's compensation such payments are allowable in the year of payment with the prior approval of the awarding agency provided they are allocated to all activities of the organization.

(4) Costs of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibility are allowable only to the extend that the insurance represents additional compensation. The costs of such insurance when the organization is named as beneficiary are unallowable.

g. *Pension plan costs.*

(1) Costs of the organization's pension plan which are incurred in accordance with the established policies of the organization are allowable, provided:

(a) Such policies meet the test of reasonableness;

(b) The methods of cost allocation are not discriminatory;

(c) The cost assigned to each fiscal year is determnined in accordance with generally accepted accounting principles as prescribed in Accounting Principles Board Opinion No. 8 issued by the American Institute of Certified Public Accountants; and

(d) The costs assigned to a given fiscal year are funded for all plan participants within six months after the end of that year. However, increases to normal and past service pension costs caused by a delay in funding the actuarial liability beyond 30 days after each quarter of the year to which such costs are assignable are unallowable.

(2) Pension plan termination Insurance premiums paid pursuant to the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406) are allowable. Late payment charges on such premiums are unallowable.

(3) Excise taxes on accumulated funding deficiencies and other penalties imposed under the Employee Retirement Income Security Act are unallowable.

h. *Incentive compensation.* Incentive compensation to employees based on cost reduction, or efficient performance, suggestion awards, safety awards, etc., are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into a good faith between the organization and the employees before the services were rendered, or pursuant to an established plan followed by the organization so consistently as to imply, in effect, an agreement to make such payment.

i. *Overtime, extra pay shift, and multishift premiums.* See paragraph 27.

j. *Severance pay.* See paragrah 44.

k. *Training and education costs.* See paragraph 48.

l. *Support of salaries and wages.*

(1) Charges to awards for salaries and wages, whether treated as direct cost or indirect costs, will be based on documented payrolls approved by a responsible official(s) of the organization. the distribution of salaries and wages to awards must be supported by personnel activity reports as prescribed in subparagraph (2) below, except when a substitute system has been approved in writing by the cognizant agency. (See paragraph E.2 of Attachment A)

(2) Reports reflecting the distribution of activity of each employee must be maintained for all staff members (professionals and nonprofessionals) whose compensation is charged, in whole or in part, directly to awards. In addition, in order to support the allocation of indirect costs, such reports must also be maintained for other employees whose work involves two or more functions or activities if a distribution of their compensation between such functions or activities is needed in the determination of the organization's indirect cost rate(s) (e.g., an employee engaged part-time in indirect cost activities and part-time in a direct function). Reports maintained by nonprofit organizaitons to satisfy these requirements must meet the following standards:

(a) The reports must reflect an *after-the-fact* determination of the actual acitivity of each employee. Budget estimates (i.e., estimates determined before the services are performed) do not qualify as support for charges to awards.

(b) Each report must account for the total activity for which employees are compensated and which is required in fulfillment of their obligations to the organization.

(c) The reports must be signed by the individual employee, or by a responsible supervisory official having first hand knowledge of the activities performed by the employee, that the distribution of activity represents a reasonable estimate of the actual work performed by the employee during the periods covered by the reports.

(d) The reports must be prepared at least monthly and must coincide with one or more pay periods.

(3) Charges for the salaries and wages of nonprofessional employees, in addition to the supporting documentation described in subparagraphs (1) and (2) above, must also be supported by records indicating the total number of hours worked each day maintained in conformance with Department of Labor regulations implementing the Fair Labor Standards Act (29 CFR Part 516). For this purpose, the term "nonprofessional employee" shall have the same meaning as "nonexempt employee," under the Fair Labor Standards Act.

(4) Salaries and wages of employees used in meeting cost sharing or matching requirements on awards must be supported in the same manner as salaries and wages claimed for reimbursement from awarding agencies.

7. *Contingency provisions.* Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable. The term "contingency reserve" excludes self-insurance reserves (see paragraph 6f.(3) and 18.a.(2)(d); pension funds (see paragraph 6.(g)); and reserves for normal severance pay (see paragraph 44.(b)(1)).

8. *Contributions.* Contributions and donations by the organization to others are unallowable.

9. *Depreciation and use allowances.*

a. Compensation for the use of buildings, other capital improvements, and equipment on hand may be made through use allowances or depreciation. However, except as provided in paragraph f. below a combination of the two methods may not be used in connection with a single class of fixed assets (e.g., buildings, office equipment, computer equipment, etc.).

b. The computation of use allowances or depreciation shall be based on the acquisition cost of the asset involved. The acquisition cost of an asset donated to the organization by a third party shall be its fair market value at the time of the donation.

c. The computation of use allowances or depreciation will exclude.

(1) The cost of land;

(2) Any portion of the cost of buildings and equipment borne by or donated by the Federal Government irrespective of where title was originally vested or where it presently resides; and

(3) Any portion of the cost of buildings and equipment contributed by or for the organization in satisfaction of a statutory matching retirement.

d. Where the use allowance method is followed, the use allowance for buildings and improvement (including land improvements such as paved parking areas, fences, and sidewalks) will be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost. When the use allowance method is used for buildings, the entire building must be treated as a single asset; the building's components

(e.g., plumbing system, heating and air conditioning, etc.) cannot be segregated from the building's shell. The two percent limitation, however, need not be applied to equipment which is merely attached or fastened to the building but not permanently fixed to it and which is used as furnishings or decorations or for specialized purposes (e.g., dentist chairs and dental treatment units, counters, laboratory benches bolted to the floor, dishwashers, carpeting, etc.). Such equipment will be considered as not being permanently fixed to the building if it can be removed without the need for costly or extensive alterations or repairs to the building or the equipment. Equipment that meets these criteria will be subject to the six and two-thirds percent equipment use allowance limitation.

e. Where depreciation method is followed, the period of useful service (useful life) established in each case for usable capital assets must take into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular program area, and the renewal and replacement policies followed for the individual items or classes of assets involved. The method of depreciation used to assign the cost of an asset (or group of assets) to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater or lesser in the early portions of its useful life than in the later portions, the straight-line method shall be presumed to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the cognizant Federal agency. When the depreciation method is introduced for application to assets previously subject to a use allowance, the combination of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets. When the depreciation method is used for buildings, a building's shell may be segregated from each building component (e.g., plumbing system, heating, and air conditioning system, etc.) and each item depreciated over its estimated useful life; or the entire building (i.e., the shell and all components) may be treated as a single asset and depreciated over a single useful life.

f. When the depreciation method is used for a particular class of assets, no depreciation may be allowed on any such assets that, under paragraph e. above, would be viewed as fully depreciated. However, a reasonable use allowance may be negotiated for such assets if warranted after taking into consideration the amount of depreciation previously charged to the Government, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficency due to age, and any other factors pertinent to the utilization of the asset for the purpose contemplated.

g. Charges for use allowances or depreciation must be supported by adequate property records and physical inventories must be taken at least once every two years (a statistical sampling basis is acceptable) to ensure that assets exist and are usable and needed. When the depreciation method is followed, adequate depreciation records indicating the amount of depreciation taken each period must also be maintained.

10. *Donations.*

a. *Services received.*

(1) Donated or volunteer services may be furnished to an organization by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of these services is not reimbursable either as a direct or indirect cost.

(2) The value of donated services utilized in the performance of a direct cost activity shall be considered in the determination of the organization's indirect cost rate(s) and, accordingly, shall be allocated a proportionate share of applicable indirect costs when the following circumstances exist:

(a) The aggregate value of the services is material;

(b) The services are supported by a significant amount of the indirect costs incurred by the organization;

(c) The direct cost activity is not pursued primarily for the benefit of the Federal Government.

(3) In those instances where there is no basis for determining the fair market value of the services rendered, the recipient and the cognizant agency shall negotiate an appropriate allocation of indirect cost to the services.

(4) Where donated services directly benefit a project supported by an award, the indirect costs allocated to the services will be considered as a part of the total costs of the project. Such indirect costs may be reimbursed under the award or used to meet cost sharing or matching requirements.

(5) The value of the donated services may be used to meet cost sharing or matching requirements under conditions described in Attachment E, OMB Circular No. A-110. Where donated services are treated as indirect costs, indirect cost rates will separate the value of the donations so that reimbursement will not be made.

(6) Fair market value of donated services shall be computed as follows:

(a) *Rates for volunteer services.* Rates for volunteers shall be consistent with those regular rates paid for similar work in other activities of the organization. In cases where the kinds of skills involved are not found in the other activities of the organization, the rates used shall be consistent with those paid for similar work in the labor market in which the organization competes for such skills.

(b) *Services donated by other organizations.* When an employer donates the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and indirect costs) provided the services are in the same skill for which the employee is normally paid. If the services are not in the same skill for which the employee is normally paid, fair market value shall be computed in accordance with subparagraph (a) above.

b. *Goods and space.*

(1) Donated goods; i.e., expendable personal property/supplies, and donated use of space may be furnished to an organization. The value of the goods and space is not reimbursable either as a direct or indirect cost.

(2) The value of the donations may be used to meet cost sharing or matching share requirements under the conditions described in Attachment E, OMB Circular No. A-110. The value of the donations shall be determined in accordance with Attachment E. Where donations are treated as indirect costs, indirect cost rates will separate the value of the donations so that reimbursement will not be made.

11. *Employee morale, health, and welfare, costs and credits.* The costs of house publications, health or first-aid clinics, and/or infirmaries, recreational activities, employees' counseling services, and other expenses incurred in accordance with the organization's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance are allowable. Such costs will be equitably apportioned to all activities of the organization. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

12. *Entertainment costs.* Costs of amusement, diversion, social activities, ceremonials, and costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities are unallowable (but see paragraphs 11 and 25).

13. *Equipment and other capital expenditures.*

a. As used in this paragraph, the following terms have the meanings set forth below:

(1) "Equipment" means an article of nonexpendable tangible personal property having a useful life of more than two years and an acquisition cost of $500 or more per unit. An organization may use its own definition provided that it at least includes all nonexpendable tangible personal property as defined herein.

(2) "Acquisition cost" means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective intransit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.

(3) "Special purpose equipment" means equipment which is usable only for research, medical, scientific, or technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers.

(4) "General purpose equipment" means equipment which is usable for other than research, medical, scientific, or technical activities, whether or not special modifications are needed to make them suitable for a particular purpose. Examples of general purpose equipment include office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment.

b. (1) Capital expenditures for general purpose equipment are unallowable as a direct cost except with the prior approval of the awarding agency.

(2) Capital expenditures for special purpose equipment are allowable as direct costs provided that items with a unit cost of $1000 or more have the prior approval of the awarding agency.

c. Capital expenditures for land or buildings are unallowable as a direct cost except with the prior approval of the awarding agency.

d. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior approval of the awarding agency.

e. Equipment and other capital expenditures are unallowable as indirect costs. However, see paragraph 9 for allowability of use allowances or depreciation on buildings, capital improvements, and equipment. Also, see paragraph 42 for allowability of rental costs for land, buildings, and equipment.

14. *Fines and penalties.* Cost of fines and penalties resulting from violations of, or failure of the organization to comply with Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of an award or instructions in writing from the awarding agency.

15. *Fringe benefits.* See paragraph 6. f.

16. *Idle facilities and idle capacity.*

a. As used in this paragraph the following terms have the meanings set forth below:

(1) "Facilities" means land and buildings or any portion thereof, equipment individually or collectively, or any other tangible capital asset, wherever located, and whether owned or leased by the organization.

(2) "Idle facilities" means completely unused facilities that are excess to the organization's current needs.

(3) "Idle capacity" means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 per cent operating time on a one-shift basis less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period. A multishift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

(4) "Costs of idle facilities or idle capacity" means costs such as maintenance, repair, housing, rent, and other related costs; e.g., property taxes, insurance, and depreciation or use allowances.

b. The costs of idle facilities are unallowable except to the extent that:

(1) They are unnecessary to meet fluctuations in workload; or

(2) Although not necessary to meet fluctuations in workload, they were necessary when acquired and are now idle because of changes in program requirements, efforts to achieve more economical operations, reorganization, termination, or other causes which could not have been reasonably foreseen. Under the exception stated in this subparagraph, costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed one year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see paragraphs 47.b. and d.).

c. The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or indirect cost rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire facility or among a group of assets having substantially the same function may be idle facilities.

17. *Independent research and development* [Reserved].

18. *Insurance and indemnification.*

a. Insurance includes insurance which the organization is required to carry, or which is approved, under the terms of the award and any other insurance which the organization maintains in connection with the general conduct of its operations. This paragraph does not apply to insurance which represents fringe benefits for employees (see paragraph 6.f. and 6.g.(2)).

(1) Costs of insurance required or approved, and maintained, pursuant to the award are allowable.

(2) Costs of other insurance maintained by the organization in connection with the general conduct of its operations are allowable subject to the following limitations.

(a) Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances.

(b) Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of management fees.

(c) Costs of insurance or of any provisions for a reserve covering the risk of loss or damage to Government property are allowable only to the extent that the organization is liable for such loss or damage.

(d) Provisions for a reserve under a self-insurance program are allowable to the extent that types of coverage, extent of coverage, rates, and premiums would have been allowed had insurance been purchased to cover the risks. However, provision for known or reasonably estimated self-insured liabilities, which do not become payable for more than one year after the provision is made shall not exceed the present value of the liability.

(e) Costs of Insurance on the lives of trustees, officers, or other employees holding positions of similars responsibilities are allowable only to the extent that the insurance represents additional compensation (see paragraph 6). The cost of such insurance when the organization is identified as the beneficiary is unallowable.

(3) Actual losses which could have been covered by permissible insurance (through the purchase of insurance or a self-insurance program) are unallowable unless expressly provided for in the award, except:

(a) Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice are allowable.

(b) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of supplies, which occur in the ordinary course of operations, are allowable.

b. Indemnification includes securing the organization against liabilities to third persons and any other loss or damage, not compensated by insurance or otherwise. The Government is obligated to indemnify the organization only to the extent expressly provided in the award.

19. *Interest, fund raising, and investment management costs.*

a. Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

b. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable.

c. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.

d. Fund raising and investment activities shall be allocated an appropriate share of indirect costs under the conditions described in paragraph B of Attachment A.

20. *Labor relations costs.* Costs incurred in maintaining satisfactory relations between the organization and its employees, including costs of labor management committees, employee publications, and other related activities are allowable.

21. *Losses on other awards.* Any excess of costs over income on any award is unallowable as a cost of any other award. This includes, but is not limited to, the organization's contributed portion by reason of cost sharing agreements or any underrecoveries through negotiation of lump sums for, or ceilings on, indirect costs.

22. *Maintenance and repair costs.* Costs incurred for necessary maintenance, repair, or upkeep of buildings and equipment (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. Costs incurred for improvements which add to the permanent value of the buildings and equipment or appreciably prolong their intended life shall be treated as capital expenditures (see paragraph 13).

23. *Materials and supplies.* The costs of materials and supplies necessary to carry out an award are allowable. Such costs should be charged at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the organization. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges may be a proper part of material cost. Materials and supplies charged as a direct cost should include only the materials and supplies actually used for the performance of the contract or grant, and due

credit should be given for any excess materials or supplies retained, or returned to vendors.

24. *Meetings, conferences.*

a. Costs associated with the conduct of meetings, and conferences, and include the cost of renting facilities, meals, speakers' fees, and the like. But see paragraph 12, *Entertainment costs,* and paragraph 29, *Participant support costs.*

b. To the extent that these costs are identifiable with a particular cost objective, they should be charged to that objective. (See paragraph B. of Attachment A.) These costs are allowable provided that they meet the general tests of allowable, shown in Attachment A to this Circular.

c. Costs of meetings and conferences held to conduct the general administration of the organization are allowable.

25. *Memberships, subscriptions, and professional activity costs.*

a. Costs of the organization's membership in civic, business, technical and professional organizations are allowable.

b. Costs of the organization's subscriptions to civic, business, professional, and technical periodicals are allowable.

c. Costs of attendance at meetings and conferences, sponsored by others when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, and other items incidental to such attendance.

26. *Organization costs.* Expenditures, such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselors, whether or not employees of the organization, in connection with establishment or reorganization of an organization, are unallowable except with prior approval of the awarding agency.

27. *Overtime, extra-pay shift, and multishift premiums.* Premiums for overtime, extra-pay shifts, and multishift work are allowable only with the prior approval of the awarding agency except:

a. When necessary to cope with emergencies, such as those resulting from accidents, natural disasters, breakdowns of equipment, or occasional operational bottlenecks of a sporadic nature.

b. When employees are performing indirect functions such as administration, maintenance, or accounting.

c. In the performance of tests, laboratory procedures, or other similar operations which are continuous in nature and cannot reasonably be interrupted or otherwise completed.

d. When lower overall cost to the Government will result.

28. *Page charges in professional journals.* Page charges for professional journal publications are allowable as a necessary part of research costs, where:

a. The research papers report work supported by the Government; and

b. The charges are levied impartially on all research papers published by the journal, whether or not by Government-sponsored authors.

29. *Participant support costs.* Participant support costs are direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with meetings, conferences, symposia, or training projects. These costs are allowable with the prior approval of the awarding agency.

30. *Patent costs.*

a. Costs of (i) preparing disclosures, reports, and other documents required by the award and of searching the art to the extent necessary to make such disclosures, (ii) preparing documents and any other patent costs in connection with the filing and prosecution of a United States patent application where title or royalty-free license is required by the Government to be conveyed to the Government, and (iii) general counseling services relating to patent and copyright matters, such as advice on patent and copyright laws, regulations, clauses, and employee agreements are allowable (but see paragraph 34).

b. Cost of preparing disclosures, reports, and other documents and of searching the art to the extent necessary to make disclosures, if not required by the award, are unallowable. Costs in connection with (i) filing and prosecuting any foreign patent application, or (ii) any United States patent application, where the award does not require conveying title or a royalty-free license to the Government, are unallowable (also see paragraph 43).

31. *Pension plans.* See paragraph 6. g.

32. *Plant security costs.* Necessary expenses incurred to comply with Government security requirements or for facilities protection, including wages, uniforms, and equipment of personnel are allowable.

33. *Preaward costs.* Preaward costs are those incurred prior to the effective date of the award directly pursuant to the negotiation and in anticipation of the award where such costs is necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the awarding agency.

34. *Professional service costs.*

a. Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the organization, are allowable, subject to b, c, and d, of this paragraph when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government.

b. In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors are relevant:

(1) The nature and scope of the service rendered in relation to the service required.

(2) The necessity of contracting for the service, considering the organization's capability in the particular area.

(3) The past pattern of such costs, particularly in the years prior to Government awards.

(4) The impact of Government awards on the organization's business (i.e., what new problems have arisen).

(5) Whether the proportion of Government work to the organization's total business is such as to influence the organization in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government grants and contracts.

(6) Whether the service can be performed more economically by direct employment rather than contracting.

(7) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-Government awards.

(8) Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation, and termination provisions).

c. In addition to the factors in paragraph b above, retainer fees to the allowable must be supported by evidence of bona fide services available or rendered.

d. Cost of legal, accounting, and consulting services, and related costs incurred in connection with defense of antitrust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, organization and reorganization, are unallowable unless otherwise provided for in the award (but see paragraph 47e).

35. *Profits and losses on disposition of depreciable property or other capital assets.*

a. (1) Gains and losses on sale, retirement, or other disposition of depreciable property shall be included in the year in which they occur as credits or charges to cost grouping(s) in which the depreciation applicable to such property was included. The amount of the gain or loss to be included as a credit or charge to the appropriate cost grouping(s) shall be the difference between the amount realized on the property and the undepreciated basis of the property.

(2) Gains and losses on the disposition of depreciable property shall not be recognized as a separate credit or charge under the following conditions.

(a) The gain or loss is processed through a depreciation reserve account and is reflected in the depreciation allowable under paragraph 9.

(b) The property is given in exchange as part of the purchase price of a similar item and the gain or loss is taken into account in determining the depreciation cost basis of the new item.

(c) A loss results from the failure to maintain permissible insurance, except as otherwise provided in paragraph 18.a.(3).

(d) Compensation for the use of the property was provided through use allowances in lieu of depreciation in accordance with paragraph 9.

(e) Gains and losses arising from mass or extraordinary sales, retirements, or other dispositions shall be considered on a case-by-case basis.

b. Gains or losses of any nature arising from the sale or exchange of property other than the property covered in paragraph a. above shall be excluded in computing award costs.

36. *Public information service costs.*

a. Public information service costs include the cost associated with pamphlets, news releases, and other forms of information services. Such costs are normally incurred to:

(1) Inform or instruct individuals, groups, or the general public.

(2) Interest individuals or groups in participating in a service program of the organization.

(3) Disseminate the results of sponsored and nonsponsored activities.

b. Public information service costs are allowable as direct costs with the prior approval of the awarding agency. Such costs are unallowable as indirect costs.

37. *Publication and printing costs.*

a. Publication costs include the costs of printing (including the processes of composition, plate-making, press work, binding, and the end products produced by such processes), distribution, promotion, mailing, and general handling.

b. If these costs are not identifiable with a particular cost objective, they should be allocated as indirect costs to all benefiting activities of the organization.

c. Publication and printing costs are unallowable as direct costs except with the prior approval of the awarding agency.

d. The cost of page charges in journals is addressed paragraph 28.

38. *Rearrangement and alteration costs.* Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable with the prior approval of the awarding agency.

39. *Reconversion costs.* Costs incurred in the restoration or rehabilitation of the organization's facilities to approximately the same condition existing immediately prior to commencement of Government awards, fair wear and tear excepted, are allowable.

40. *Recruiting costs.* The following recruiting costs are allowable: cost of "help wanted" advertising, operating costs of an employment office, costs of operating an educational testing program, travel expenses including food and lodging of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees (see paragraph 41c). Where the organization uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

41. *Relocation costs.*

a. Relocation costs are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of not less than 12 months) of an existing employee or upon recruitment of a new employee. Relocation costs are allowable, subject to the limitation described in paragraphs b, c, and d, below, provided that:

(1) The move is for the benefit of the employer.

(2) Reimbursement to the employee is in accordance with an established written policy consistently followed by the employer.

(3) The reimbursement does not exceed the employee's actual (or reasonably estimate) expenses.

b. Allowable relocation costs for current employees are limited to the following:

(1) The costs of transportation of the employee, members of his immediate family and his household, and personal effects to the new location.

(2) The costs of finding a new home, such as advance trips by employees and spouses to locate living quarters and temporary lodging during the transition period, up to a maximum period of 30 days, including advance trip time.

(3) Closing costs, such as brokerage, legal, and appraisal fees, incident to the disposition of the employee's former home. These costs, together with those described in (4) below, are limited to 8 per cent of the sales price of the employee's former home.

(4) The continuing costs of ownership of the vacant former home after the settlement or lease date of the employee's new permanent home, such as maintenance of buildings and grounds (exclusive of fixing up expenses), utilities, taxes, and property insurance.

(5) Other necessary and reasonable expenses normally incident to relocation, such as the costs of cancelling an unexpired lease, disconnecting and reinstalling household applicances, and purchasing insurance against loss of or damages to personal property. The cost of cancelling an unexpired lease is limited to three times the monthly rental.

c. Allowable relocation costs for new employees are limited to those described in (1) and (2) of paragraph b. above. When relocation costs incurred incident to the recruitment of new employees have been allowed either as a direct or indirect cost and the employee resigns for reasons within his control within 12 months after hire, the organization shall refund or credit the Government for its share of the cost. However, the costs of travel to an overseas location shall be considered travel costs in accordance with paragraph 50 and not relocation costs for the purpose of this paragraph if dependents are not permitted at the location for any reason and the costs do not include costs of transporting household goods.

d. The following costs related to relocation are unallowable:

(1) Fees and other costs associated with acquiring a new home.

(2) A loss on the sale of a former home.

(3) Continuing mortgage principal and interest payments on a home being sold.

(4) Income taxes paid by an employee related to reimbursed relocation costs.

42. *Rental costs.*

a. Subject to the limitations described in paragraphs b. through d. of this paragraph, rental costs are allowable to the extent that the rates are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.

b. Rental costs under sale and leaseback arrangements are allowable only up to the amount that would be allowed had the organization continued to own the property.

c. Rental costs under less-than-length leases are allowable only up to the amount that would be allowed had title to the property vested in the organization. For this purpose, a less-than-arms-length lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Such leases include, but are not limited to those between (i) divisions of an organization; (ii) organizations under common control through common officers, directors, or members; and (iii) an organization and a director, trustee, officer, or key employee of the organization or his immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

d. Rental costs under leases which create a material equity in the leased property are allowable only up to the amount that would be allowed had the organization purchased the property on the date the lease agreement was executed; e.g. depreciation or use allowances, maintenace, taxes, insurance but excluding interest expense and other unallowable costs. For this purpose, a material equity in the property exists if the lease is noncancelable or is cancelable only upon the occurrence of some remote contingency and has one or more of the following characteristics:

(1) The organization has the right to purchase the property for a price which at the beginning of the lease appears to be substantially less than the probable fair market value at the time it is permitted to purchase the property (commonly called a lease with a bargain purchase option);

(2) Title to the property passes to the organization at some time during or after the lease period;

(3) The term of the lease (initial term plus periods covered by bargain renewal options, if any) is equal to 75 percent or more of the economic life of the leased property; i.e., the period the property is expected to be economicially usable by one or more users.

43. *Royalties and other costs for use of patents and copyrights.*

a. Royalties on a patent or copyright or amortization of the cost of acquiring by purchase a copyright, patent, or rights thereto, necessary for the proper performance of the award are allowable unless:

(1) The Government has a license or the right to free use of the patent or copyright.

(2) The patent or copyright has been adjudicated to be invalid, or has been administratively determined to be invalid.

(3) The patent or copyright is considered to be unenforceable.

(4) The patent or copyright is expired.

b. Special care should be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arm's length bargaining; e.g.:

(1) Royalties paid to persons, including corporations, affiliated with the organization.

(2) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government award would be made.

(3) Royalties paid under an agreement entered into after an award is made to an organization.

c. In any case involving a patent or copyright formerly owned by the organization, the amount of royalty allowed should not exceed the cost which would have

been allowed had the organization retained title thereto.

44. *Severance pay.*

a. Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages, by organizations to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that in each case, it is required by (i) law, (ii) employer-employee agreement, (iii) established policy that constitutes, in effect, an implied agreement on the organization's part, or (iv) circumstances of the particular employment.

b. Costs of severance payments are divided into two categories as follows:

(1) Actual normal turnover severance payments shall be allocated to all activities; or, where the organization provides for a reserve for normal severances such method will be acceptable if the charge to current operations is reasonable in light of payments actually made for normal severances over a representative past period, and if amounts charged are allocated to all activities of the organization.

(2) Abnormal or mass severance pay is of such a conjectural nature that measurement of costs by means of an accrual will not achieve equity to both parties. Thus, accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis in the event of occurrence.

45. *Specialized service facilities.*

a. The costs of services provided by highly complex or specialized facilities operated by the organization, such as electronic computers and wind tunnels, are allowable provided the charges for the services meet the conditions of either b. or c. of this paragraph and, in addition, take into account any items of income or Federal financing that qualify as applicable credits under paragraph A.5. of Attachment A.

b. The costs of such services, when material, must be charged directly to applicable awards based on actual usage of the services on the basis of a schedule of rates or established methodology that (i) does not discriminate against federally supported activities of the organization, including usage by the organization for internal purposes, and (ii) is designed to recover only the aggregate costs of the services. The costs of each service shall consist normally of both its direct costs and its allocable share of all indirect costs. Advance agreements pursuant to paragraph A.6. of Attachment A are particularly important in this situation.

c. Where the costs incurred for a service are not material, they may be allocated as indirect costs.

46. *Taxes.*

a. In general, taxes which the organization is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for (i) taxes from which exemptions are available to the organization directly or which are available to the organization based on an exemption afforded the Government and in the latter case when the awarding agency makes available the necessary exemption certificates, (ii) special assessments on land which represent capital improvements, and (iii) Federal income taxes.

b. Any refund of taxes, and any payment to the organization of interest thereon, which were allowed as award costs, will be credited either as a cost reduction or cash refund, as appropriate, to the Government.

47. *Termination costs.* Termination of awards generally give rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the award not been terminated. Cost principles covering these items are set forth below. They are to be used in conjunction with the other provisions of this Circular in termination situations.

a. *Common items.* The cost of items reasonably usable on the organization's other work shall not be allowable unless the organization submits evidence that it would not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the organization, the awarding agency should consider the organization's plans and orders for current and scheduled activity. Contemporaneous purchases of common items by the organization shall be regarded as evidence that such items are reasonably usable on the organization's other work. Any acceptance of common items as allocable to the terminated portion of the award shall be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

b. *Costs continuing after termination.* If in a particular case, despite all reasonable efforts by the organization, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this Circular, except that any such costs continuing after termination due to the negligent or willful failure of the organization to discontinue such costs shall be unallowable.

c. *Loss of useful value.* Loss of useful value of special tooling, machinery and equipment which was not charged to the award as a capital expenditure is generally allowable if:

(1) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the organization.

(2) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the awarding agency;

d. *Rental costs.* Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated award less the residual value of such leases, if (i) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the award and such further period as may be reasonable, and (ii) the organization makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the award, and of reasonable restoration required by the provisions of the lease.

e. *Settlement expenses.* Settlement expenses including the following are generally allowable:

(1) Accounting, legal, clerical, and similar costs reasonably necessary for:

(a) The preparation and presentation to awarding agency of settlement claims and supporting data with respect to the terminated portion of the award, unless the termination is for default. (See paragraph 4.a. of Attachment I, OMB Circular No. A-110; and

(b) The termination and settlement of subawards.

(2) Reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced for the award; except when grantees are reimbursed for disposals at a predetermined amount in accordance with Attachment N of OMB Circular A-110.

(3) Indirect costs related to salaries and wages incurred as settlement expenses in subparagraphs (1) and (2) of this paragraph. Normally, such indirect costs shall be limited to fringe benefits, occupancy cost, and immediate supervision.

f. *Claims under subawards.* Claims under subawards, including the allocable portion of claims which are common to the award, and to other work of the organization are generally allowable. An appropriate share of the organization's indirect expense may be allocated to the amount of settlements with subcontractor/subgrantees; provided that the amount allocated is otherwise consistent with the basic guidelines contained in Attachment A. The indirect expense so allocated shall exclude the same and similar costs claimed directly or indirectly as settlement expenses.

48. *Training and education costs.*

a. Costs of preparation and maintenance of a program of instruction including but not limited to on-the-job, classroom, and apprenticeship training, designed to increase the vocational effectiveness of employees, including training materials, textbooks, salaries or wages of trainees (excluding overtime compensation which might arise therefrom), and (i) salaries of the director of training and staff when the training program is conducted by the organization; or (ii) tuition and fees when the training is in an institution not operated by the organization, are allowable.

b. Costs of part-time education, at an undergraduate or postgraduate college level, including that provided at the organization's own facilities, are allowable only when the course or degree pursued is relative to the field in which the employee is now working or may reasonably be expected to work, and are limited to:

(1) Training materials.

(2) Textbooks.

(3) Fees charged by the educational institution.

(4) Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect costs of the educational institution to the

extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution.

(5) Salaries and related costs of instructors who are employees of the organization.

(6) Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year and only to the extent that circumstances do not permit the operation of classes or attendance at classes after regular working hours; otherwise such compensation is unallowable.

c. Costs of tuition, fees, training materials, and textbooks (but not subsistence, salary, or any other emoluments) in connection with full-time education, including that provided at the organization's own facilities, at a postgraduate (but not undergraduate) college level, are allowable only when the course or degree pursued is related to the field in which the employee is now working or may reasonably be expected to work, and only where the costs receive the prior approval of the awarding agency. Such costs are limited to the costs attributable to a total period not to exceed one school year for each employee so trained. In unusual cases the period may be extended.

d. Costs of attendance of up to 16 weeks per employee per year at specialized programs specifically designed to enhance the effectiveness of executives or managers or to prepare employees for such positions are allowable. Such costs include enrollment fees, training materials, textbooks and related charges, employees' salaries, subsistence, and travel. Costs allowable under this paragraph do not include those for courses that are part of a degree-oriented curriculum, which are allowable only to the extent set forth in b. and c. above.

e. Maintenance expense, and normal depreciation or fair rental, on facilities owned or leased by the organization for training purposes are allowable to the extent set forth in paragraphs 9, 22, and 42.

f. Contributions or donations to educational or training institutions, including the donation of facilities or other properties, and scholarships or fellowships, are unallowable.

g. Training and education costs in excess of those otherwise allowable under paragraphs b. and c. of this paragraph may be allowed with prior approval of the awarding agency. To be considered for approval, the organization must demonstrate that such costs are consistently incurred pursuant to an established training and education program, and that the course or degree pursued is relative to the field in which the employee is now working or may reasonably be expected to work.

49. *Transportation costs.* Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be directly charged as transportation costs or added to the cost of such items (see paragraph 23). Where identification with the materials received cannot readily be made, transportation costs may be charged to the appropriate indirect cost accounts if the organization follows a consistent, equitable procedure in this respect.

50. *Travel costs.*

a. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the organization. Travel costs are allowable subject to paragraphs b. through e. below, when they are directly attributable to specific work under an award or are incurred in the normal course of administration of the organization.

b. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used results in charges consistent with those normally allowed by the organization in its regular operations.

c. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would (i) require circuitous routing, (ii) require travel during unreasonable hours, (iii) greatly increase the duration of the flight, (iv) result in additional costs which would offset the transportation savings, or (v) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

d. Necessary and reasonable costs of family movements and personnel movements of a special or mass nature are allowable, pursuant to paragraphs 40 and 41, subject to allocation on the basis of work or time period benefited when appropriate. Advance agreements are particularly important.

e. Direct charges for foreign travel costs are allowable only when the travel has received prior approval of the awarding agency. Each separate foreign trip must be approved. For purposes of this provision, foreign travel is defined as any travel outside of Canada and the United States and its territories and possessions. However, for an organization located in foreign countries, the term "foreign travel" means travel outside that country.

[Circular No. A-122]

Attachment C

Nonprofit Organizations not Subject to this Circular.

Aerospace Corporation, El Segundo, California
Argonne Universities Association, Chicago, Illinois
Associated Universities, Incorporated, Washington, D.C.
Associated Universities for Research and Astronomy, Tucson, Arizona
Atomic Casualty Commission, Washington, D.C.
Battelle Memorial Institute, Headquartered in Columbus, Ohio
Brookhaven National Laboratory, Upton, New York
Center for Energy and Environmental Research (CEER), (University of Puerto Rico)
Commonwealth of Puerto Rico, Charles Stark Draper Laboratory, Incorporated
Cambridge, Massachusetts, Comparative Animal Research Laboratory (CARL) (University of Tennessee), Oak Ridge, Tennessee
Environmental Institute of Michigan, Ann Arbor, Michigan
Hanford Environmental Health Foundation, Richland, Washington
IIT Research Institute, Chicago, Illinois
Institute for Defense Analysis, Arlington, Virginia
Institute of Gas Technology, Chicago, Illinois
Midwest Research Institute, Headquartered in Kansas City, Missouri
Mitre Corporation, Bedford, Massachusetts
Montana Energy Research and Development Institute, Inc., (MERDI), Butte, Montana
National Radiological Astronomy Observatory, Green Bank, West Virginia
Oak Ridge Associated Universities, Oak Ridge, Tennessee
Project Management Corporation, Oak Ridge, Tennessee
Rand Corporation, Santa Monica, California
Research Triangle Institute, Research Triangle Park, North Carolina
Riverside Research Institute, New York, New York
Sandia Corporation, Albuquerque, New Mexico
Southern Research Institute, Birmingham, Alabama
Southwest Research Institute, San Antonio, Texas
SRI International, Menlo Park, California
Syracuse Research Corporation, Syracuse, New York
Universities Research Association, Incorporated (National Acceleration Lab), Argonne, Illinois
Universities Corporation for Atmospheric Research, Boulder, Colorado
Nonprofit Insurance Companies such as Blue Cross and Blue Shield Organizations
Other nonprofit organizations as negotiated with awarding agencies.

[FR Doc. 80-30441 Filed 9-30-80; 8:45 am]
BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Transferring Authority for Common Carrier Matters Involving Public Coast Stations to the Private Radio Bureau; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: In the rule published in the **Federal Register** on April 15, 1980, at 45 FR 25398 there is an error in the amendment to § 0.91 of CFR 47. The error failed to include text adopted in the immediately preceding amendment

to this section. The corrected section is published below.

EFFECTIVE DATE: April 18, 1980.

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

FOR FURTHER INFORMATION CONTACT: Robert P. DeYoung, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

1. In the Order in the above-captioned matter, FCC 80-179 released April 7, 1980, Section 0.91 of the rules was amended to reflect a transfer of function from the Common Carrier Bureau to the Private Radio Bureau.

2. Section 0.91 of the rules was also amended by Order, FCC 79-882, released March 7, 1980, to reflect the reorganization of the Common Carrier Bureau. Through inadvertence, our Order of April 7, amended the language of the rule prior to its having been amended by our Order of March 7, 1980.

3. To correct this situation, Section 0.91 is amended as set forth in the attached appendix, to amend the currently effective language of the rule.

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX

Part 0 of chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 0.91 is amended to read as follows:

§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends and administers policies and programs for the regulation of services, facilities, rates and practices of entities (excluding public coast stations in the maritime mobile service) which furnish interstate or foreign communications service for hire—whether by wire, radio, cable or satellite facilities—and of ancillary operations related to the provision or use of such services. The Bureau also regulates the rates, terms and conditions for cable television pole attachments, where such attachments are not regulated by a state and not provided by railroads or governmentally—or cooperatively—owned utilities.

* * * * *

[FR Doc. 80-30368 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-342; RM-3512]

FM Broadcast Station in Middletown, Md.; Changes Made in Table of Assignments; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns a Class A FM channel to Middetown, Maryland, in response to a petition filed by Middletown Broadcasters Association. The channel can be used to provide a first local aural broadcast service to the community.

EFFECTIVE DATE: November 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: September 25, 1980.

By the Chief, Policy and Rules Division:

1. The Commission here considers a proposal for the assignment of FM channel 276A to Middletown, Maryland, as that community's first FM assignment. This proceeding was initiated by a *Notice of Proposed Rule Making,* adopted December 19, 1979, 45 FR 1923, responding to a petition filed by Middletown Broadcasters Association ("petitioner"). Supporting comments were filed by petitioner reaffirming its intention to file for the channel, if assigned.

2. Middletown (pop. 1,262), [1] in Frederick County (pop. 84,927), is located between Hagerstown and Frederick, Maryland, off Interstate Highway 70 and near Highway 40. It has no local aural broadcast service.

3. Petitioner had stated that Middletown is a steadily growing area which has many business facilities, schools, and churches. It previously submitted sufficient information with respect to Middletown to demonstrate its need for an FM assignment.

4. Since it has been shown that there is a need and demand for an FM assignment in Middletown, Maryland, and that the proposed station would provide a first local aural broadcast service to the community, we conclude that the public interest would be served by making this assignment.

5. The Canadian Government has given its concurrence to the proposed assignment of Channel 276A to Middletown, Maryland.

6. Accordingly, it is ordered, That effective, November 5, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with regard to the community listed below:

City	Channel No.
Middletown, Maryland	276A

7. Authority for the action taken herein is found in Section 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4. 303, 307, 48 Stat., as amended. 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-30439 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-52; RM-3219]

FM Broadcast Station in Bridgeport, Nebr.; Changes Made in Table of Assignments; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns a Class C FM channel to Bridgeport, Nebraska, as that community's first FM assignment, in response to a petition filed by Media, Inc. The proposed station would provide first local aural broadcast service to Bridgeport, and first and second FM service to the surrounding area.

DATE: Effective November 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.
Released: September 30, 1980.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a proposal for the assignment of Class C FM Channel 267 to Bridgeport, Nebraska, as that community's first FM assignment. This proceeding was initiated by a *Notice of Proposed Rule Making*, adopted February 6, 1980, 45 FR 12457, published February 26, 1980, in response to a petition filed by Media, Inc. ("petitioner"). Supporting comments were filed by petitioner reaffirming its intent to file for the channel, if assigned. Oppositions were filed by Fortner-Hill Broadcasting, Inc., licensee of Station KFAH-FM, Alliance, Nebraska, and Tracy Corporation ("Tracy"), licensee of Station KMOR-FM, Scottsbluff, Nebraska, to which petitioner responded. Reply comments were also filed by Tracy Corporation.

2. Bridgeport (pop. 1,490),[1] seat of Morrill County (pop. 5,813), is located approximately 48 kilometers (30 miles) southeast of Scottsbluff, Nebraska. It has no local aural broadcast service.

3. Petitioner states that the proposed station would provide a first FM service to 4,842 persons and a second FM service to 21,110 persons. Additionally, it would provide a first nighttime aural service to 3,626 persons and a second nighttime aural service to 2,409 persons.

4. In opposing comments, Fortner-Hill contends that the proposed assignment would have an adverse effect on the operation of its Class A facility, due to the close proximity and extended service of the proposed Bridgeport allocation. It states that the impact of the assignment would necessitate upgrading its facilities to a Class C operation, which at the present time would present a financial hardship.

5. In opposition, Tracy Corporation argues that Bridgeport and the surrounding area are not experiencing the growth claimed by Media. It states that the petitioner has no real basis or current documentation to support the claim of increased population, new industry in the area or a significant growth in tourism. It cites several cases in which Class C channels were assigned to small communities which are said to be distinguishable either by the greater size of the city or the need to maintain a competitive balance. Tracy claims that the assignment would preclude 23 communities with a population of over 1,000 persons. It maintains that a Class A channel should be assigned to Bridgeport, inasmuch as the proposed assignment would be contrary to Commission policy governing FM channel allocations.

6. In reply comments, petitioner asserts that contrary to Tracy's allegations, tourists are attracted to historic sites, museums and recreational areas, the economy is stable and the outlook for growth is favorable. Furthermore, the preclusive impact of the proposed assignment is insignificant, according to petitioner. It states that the assignment will bring first or second service to 30,952 persons. Petitioner further states that it has met the required criteria for a Class C assignment, noting that the only oppositions are from competitors, who argue that they adequately serve this area.

7. In its reply, Tracy reiterated its contentions against the proposed assignment. It states that Bridgeport receives substantial coverage from several radio stations and notes the pending rule making petitions for new assignments at Alliance (RM-3623), and Ogallala, Nebraska (RM-3514), which would, if granted, further eliminate any possible need for a Class C channel at Bridgeport.

8. We have given careful consideration to the proposal and believe that Channel 267 should be assigned to Bridgeport, Nebraska. Basically, the issues raised by the oppositions are of a competitive nature which are more appropriately considered at the application stage. Although a community of this size is not normally assigned a Class C channel, the proposed assignment would provide substantial first and second FM aural services to persons in sparsely populated areas warranting a Class C assignment. Since alternate channels are available for the precluded areas, we believe that preclusion is insignificant.

9. In view of the foregoing, it is ordered, That effective November 5, 1980, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Bridgeport, Nebraska	267

10. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 80-30440 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures were taken from the 1970 U.S. Census.

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47 CFR Part 73

[BC Docket No. 79-339; RM-3507]

FM Broadcast Station in Petersburg, W. Va.; Changes Made in Table of Assignments; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns a Class A FM channel to Petersburg, West Virginia, in response to a petition filed by Creative Broadcasting, Inc. The channel can be used to provide a first local aural broadcast service to the community.

EFFECTIVE DATE: November 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: September 26, 1980.

By the Chief, Policy and Rules Division:

1. The Commission here considers the *Notice of Proposed Rule Making*, adopted December 19, 1979, 45 FR 15353, proposing the assignment of FM Channel 269A to Petersburg, West Virginia, as that community's first FM assignment, in response to a petition filed by Creative Broadcasting, Inc. Supporting comments were filed by petitioner reaffirming its intention to file for the channel, if assigned.

2. Petersburg (pop. 2,177),[1] seat of Grant County (pop. 8,607), is located approximately 237 kilometers (148 miles) west of Washington, D.C., and 269 kilometers (168 miles) southwest of

[1] Population figures are taken from the 1970 U.S. Census.

Pittsburgh, Pennsylvania. It has no local aural broadcast service.

3. Petitioner stated that Petersburg is a growing community in the midst of an important and developing five-county region. It previously submitted sufficient information with respect to Petersburg to demonstrate its need for an FM assignment.

4. Petersburg asserts that although its proposed transmitter site is located in the Quiet Zone, clearance for the use of Channel 269A at Petersburg had been coordinated with the Naval Research Laboratory and National Radio Astronomy Observatory, both of whom gave their approval pending further clearance from the Naval Research Laboratory at the application stage.

5. The Canadian Government has given its concurrence in the proposed assignment of Channel 269A to Petersburg, West Virginia.

6. We believe the public interest would be served by assigning FM Channel 269A to Petersburg, West Virginia. A station on the proposed channel would provide the community with a first local aural broadcast service.

7. Accordingly, it is ordered, That effective November 5, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended as follows for the community listed below:

City	Channel No.
Petersburg, West Virginia	269A

8. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-30388 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 10

Law Enforcement; Updating Area of Jurisdiction and Addresses of District Offices, Updating Mailing Address of Washington Office

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service is publishing an administrative update of the area of jurisdiction and addresses of district offices of the Service law enforcement districts, and an update of the mailing address of the Washington Office. A realignment of Service law enforcement districts and a number of address changes have occurred since the last update on October 2, 1978 (43 FR 45370). These administrative and editorial changes are for the convenience of the reader in conjunction with the next revised edition (October 1, 1980) of Title 50, Code of Federal Regulations.

DATE: This rule is effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Division of Law Enforcement, Fish and Wildlife Service, Washington, D.C. 20240, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION: The primary author of this document is John T. Webb, Division of Law Enforcement.

Accordingly, 50 CFR Part 10 is amended as follows:

1. Revise § 10.21(a) to read as follows:

§ 10.21 Director.

(a) Mail forwarded to the Director for law enforcement purposes should be addressed:

Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005.

* * * * *

2. Revise § 10.22 to read as follows:

§ 10.22 Law enforcement districts.

Service law enforcement districts and their areas of jurisdiction follow. Mail should be addressed: "Special Agent in Charge, U.S. Fish and Wildlife Service, (appropriate address below)":

Area of Jurisdiction and Addresses of District Offices

Alaska:
P.O. Box 42597, Anchorage, Alaska 99509 (907-276-3800).

Hawaii, Idaho, Oregon, Washington:
Lloyd 500 Building, Suite 1490, 500 N.E. Multnomah Street, Portland, Oregon 97232 (503-231-6125).

California and Nevada:
2800 Cottage Way, Room E-1924, Sacramento, California 95825 (916) 484-4748.

Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming:
P.O. Box 25486 Denver Federal Center, Denver, Colorado 80225 (303-234-4612).

Arizona, New Mexico, Oklahoma, and Texas:
P.O. Box 329, Albuquerque, New Mexico 87103 (505-766-2091).

Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin:
P.O. Box 45, Twin Cities, Minnesota 55111 (612-725-3530).

Arkansas, Mississippi, and Louisiana:
1010 Gausz Boulevard, Building 936, Slidell, Louisiana 70458 (504-225-6471).

Alabama, Florida, Georgia, and Puerto Rico:
P.O. Box 4839, Atlanta, Georgia 30302 (404-221-5872).

Kentucky, North Carolina, South Carolina, and Tennessee:
P.O. Box CH-66, Nashville, Tennessee 37203 (615-251-5532).

District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, and West Virginia:
95 Aquahart Road, Glen Burnie, Maryland 21061 (301-761-8033).

New Jersey and New York:
Century Bank Building, 2nd Floor, 700 Rockaway Turnpike, Lawrence, New York 11559 (212-995-8613).

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:
P.O. Box "E", Newton Corner, Massachusetts 02158 (617-965-2298).

Dated: September 26, 1980.

Ronald E. Lambertson,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-30392 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Parts 10, 13, and 14

Importation, Exportation and Transportation of Wildlife; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to the importation, exportation, and transportation of wildlife published at 45 FR 56668, August 25, 1980.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Division of Law Enforcement, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-25735 appearing at page 56668 in the **Federal Register** of Monday, August 25, 1980, the following changes should be made:

1. On page 56673 the amendatory language to § 10.12 [Amended] is corrected to read as follows:

"1. Amend § 10.12 by revising the definition of 'fish or wildlife' to read as follows:"

§ 14.22 [Corrected]

2. On page 56674, § 14.22 is corrected by deleting the words "under 19 CFR 12.26" in the next to the last line and adding in their place the words "by the U.S. Customs Service".

§ 14.32 [Corrected]

3. On page 56675, § 14.32(b)(3) is corrected by deleting the word "to" in the last line and adding the word "of".

§ 14.33 [Corrected]

4. On page 56675, § 14.33(b) is corrected by deleting the letter "s" from the word "procedures" in the heading.

5. On page 56675, § 14.33(b)(5) is corrected by adding the word "the" on the first line immediately following the word "whether", and immediately before the word "exception".

§ 14.51 [Corrected]

6. On page 56676, § 14.51 is corrected by adding the words "and Customs officers", immediately following the words "Service officers", and immediately before the words "many detain".

§ 14.52 [Corrected]

7. On page 56676, § 14.52(c) is corrected by adding the words "or Customs officers acting under § 14.54" immediately following "Service officer", and immediately before the colon.

§ 14.62 [Corrected]

8. On page 56677, § 14.62(b)(4) is corrected by deleting the word "delcaration" in the second line and adding the word "declaration".

§ 14.11 [Corrected]

9. On page 56673, § 14.11 is corrected by adding the word "in" immediately following the word "designated" and immediately before the phrase "§ 14.12".

Date: September 26, 1980.

Ronald E. Lambertson,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-30393 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Opening of Certain National Wildlife Refuges in Arizona, California and New Mexico; Hunting

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of upland game on certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Arizona, California and New Mexico.

DATES: Effective on date of publication (October 1, 1980) from September 1, 1980 through February 28, 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, Arizona 85017. Telephone: 602-261-2487.

Milton Haderlie, Refuge Manager, Kofa National Wildlife Refuge, P.O. Box 1032, Yuma, Arizona 85364, Telephone: 602-783-7861.

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, California 92225, Telephone: 714-922-2129.

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, California 92363. Telephone: 714-326-2853.

Gerald E. Duncan, Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Arizona 85364. Telephone: 602-783-3400.

LeMoyne B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, New Mexico 88201. Telephone: 505-622-6755.

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, New Mexico 87801.

SUPPLEMENTARY INFORMATION:

General

Hunting of upland game and/or predators on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Vehicular travel is restricted to designated roads and trails on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

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 that before any area of the refuge system is used for forms of recreation not directly related to the primary purposes and functions of the area, the Secretary must find that: (1) Such recreational use will not interfere with the primary purposes for which the area was established; and (2) 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 these refuges were 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.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Arizona

Kofa National Wildlife Refuge

Quail, cottontail rabbits, coyotes, fox and bobcat.

Special conditions: (1) The open season for hunting quail and cottontail rabbits on the refuge extends from October 10, 1980 to February 16, 1981. Hunting of quail and cottontail rabbits permitted by shotguns only. (2) The open season for hunting coyotes, fox and bobcat on the refuge extends from October 10, 1980 through February 28, 1981.

(3) Possession of any loaded or uncased firearm on or within any vehicle is prohibited. A loaded firearm shall mean any firearm containing a cartridge in its chamber or magazine. An uncased firearm shall mean any firearm

not encased in a holster, scabbard, or gun case (soft or hard). (4) Possession of all rimfire firearms on the Kofa Refuge is prohibited. (5) Hunting is not permitted in the area known as Crystal Hill Campground.

Arizona and California

Cibola National Wildlife Refuge

Quail and cottontail rabbits.

Special conditions: (1) Arizona—quail and cottontail rabbits, from October 10, 1980 through February 16, 1981. California—quail, from October 18, 1980 through January 25, 1981, cottontail rabbits, from October 10, 1980 through February 16, 1981. (2) Hunting is prohibited within one-fourth mile of any occupied dwelling, 250 yards of any farm worker, or within 50 yards of any road or levee. (3) Pits or permanent blinds may not be built. (4) Only shotgun firearms may be used to take quail and cottontail rabbits. (5) Possession of all handguns and all .22 caliber rimfire firearms is prohibited. (6) No more than two (2) dogs per hunter is permitted for the purpose of legal bird hunting.

Havasu National Wildlife Refuge

Quail, cottontail rabbits and jackrabbits.

Special conditions: (1) Arizona—quail and cottontail rabbits and jackrabbits, from October 10, 1980 through February 16, 1981. California—quail, from October 18, 1980 through January 25, 1981, cottontail rabbits and jackrabbits, from September 1, 1980 through January 25, 1981. (2) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation. (3) Shotguns only are permitted, not larger than 10 gauge and incapable of holding more than three shells. (4) Shooting hours will be from one-half hour before sunrise to sunset. (5) Two dogs per hunter are allowed for quail hunting only, and neither hunters nor dogs may enter closed areas to retrieve game. (6) Hunters must enter the Topock Marsh hunting areas by way of parking lots only. (7) The portion of Topock Marsh known as Pintail Slough Management Unit will be open to hunting only on Fridays, Saturdays and Sundays. This unit comprises all refuge land north of the north dike. (8) The open portion of the Bill Williams Unit is all refuge land south of the Planet Ranch Road.

Imperial National Wildlife Refuge

Quail and cottontail rabbits.

Special conditions: (1) Arizona—quail from October 10, 1980 through February 15, 1981, and cottontail rabbits, from October 1, 1980 through February 15, 1981. California—cottontail rabbits, from September 1, 1980 through January 25, 1981, quail, from October 18, 1980 through January 25, 1981. (2) Quail and rabbits may be taken with shotguns only. (3) Possession of .22 caliber rimfire firearms is prohibited. (4) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

New Mexico

Bitter Lake National Wildlife Refuge

Quail, ring-necked and white-winged pheasants and cottontail rabbits.

Special conditions: (1) Steel (iron) shotgun ammunition only may be used for the taking of pheasants, quail and rabbits on the South Refuge Unit (area C) during any waterfowl season. Possession of shotgun ammunition other than that loaded with steel (iron) shot is prohibited in this unit during waterfowl seasons.

Bosque del Apache National Wildlife Refuge

Quail and rabbits.

Special conditions: (1) Rabbits may be taken on the refuge only on those areas designated by sign and delineated on maps from September 1, 1980 through January 31, 1981 and quail from November 22, 1980 through January 25, 1981. (2) The refuge is open to public access from one-half hour before sunrise to one-half after sunset only. (3) Shotguns, bows and arrows, and .22 caliber weapons may be used for rabbits, except .22 caliber weapons may not be used from the railroad tracks west to the power lines and from the low-flow channel east to the pipeline.

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.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Albert W. Jackson,

Area Manager, U.S. Fish and Wildlife Service, Phoenix, Arizona.

[FR Doc. 80-30365 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1418, Amdt. No. 3]

Atchison, Topeka & Santa Fe Railway Co. Authorized To Operate Over Tracks of Southern Pacific Transportation Co. Near Houston, Tex.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 3 to Service Order No. 1418.

SUMMARY: This amendment extends the expiration date of Service Order No. 1418, until November 30, 1980. The order permits the Atchison, Topeka and Santa Fe Railway Company (ATSF) to operate over certain tracks of the Southern Pacific Transportation Company (SP) near Houston, Texas, in order to expedite movements of grain to the Houston Port loading facilities. Further extension is conditioned upon appropriate filing with the Commission for permanent trackage rights.

EFFECTIVE DATES: 11:59 p.m., September 30, 1980, and continuing in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275-7840.

Upon further consideration of Service Order No. 1418, (45 FR 1881, 23444 and 41960), and good cause appearing therefor:

§ 1033.1418 [Amended]

It is ordered, That § 1033.1418 *The Atchison, Topeka and Santa Fe Railway Company authorized to Operate Over Tracks of Southern Pacific Transportation Company Near Houston, Texas* Service Order No. 1418 is amended by substituting the following paragraph (e) for paragaph (e) thereof:

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission, and are conditioned upon an appropriate filing for permanent authority.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1980.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11121-11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service

and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30280 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S.O. No. 1400, Amdt. No. 3]

Denver & Rio Grande Western Railroad Co. Authorized To Operate Over Tracks of the Atchison, Topeka & Santa Fe Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 3 to Service Order No. 1400.

SUMMARY: This order amends Service Order No. 1400, by extending its expiration date until 11:59 p.m., November 30, 1980. Service Order No. 1400 authorizes DRGW to operate over tracks of the ATSF near Fountain, Colorado. This operation will provide for more efficient operations, improve car utilization, and transit time of unit-coal trains.

EFFECTIVE DATE: 11:59 p.m., September 30, 1980, and continuing in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275-7840.

Upon further consideration of Service Order No. 1400, (44 FR 58913, 45 FR 23695 and 45288), and good cause appearing therefor:

§ 1033.1400 [Amended]

It is ordered, That § 1033.1400 *The Denver and Rio Grande Western Railroad Company Authorized To Operate Over Tracks of the Atchison, Topeka and Santa Fe Railway Company,* Service Order No. 1400 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1980.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11112-11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30270 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S.O. No. 1267 Amdt. No. 6]

Louisiana & Arkansas Railway Co. Authorized To Operate Over Tracks of the Atchison, Topeka & Santa Fe Railway Co. and Over Tracks of Chicago, Rock Island & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 6 to Service Order No. 1267.

SUMMARY: Service Order No. 1267 authorized the Louisiana & Arkansas Railway Company (L&A) to operate over certain tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) and over certain tracks of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI). Amendment No. 6 to Service Order No. 1267, amends the order by establishing an expiration date, thus encouraging prompt filing for permanent authority.

EFFECTIVE DATE: 11:59 p.m., September 30, 1980, and continuing in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275-7840.

Decided September 24, 1980.

Upon further consideration of Service Order No. 1267 (42 FR 26256, 41425; 43 FR 7324, 36639; 44 FR 10507 and 48692), and good cause appearing therefor:

§ 1033.1267 [Amended]

It is ordered, That § 1033.1267 *Louisiana & Arkansas Railway Company Authorized to Operate Over Tracks of the Atchison, Topeka and Santa Fe Railway Company and over Tracks of Chicago, Rock Island and Pacific Railroad Company.* Service Order No. 1267 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

* * * * *

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1980.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11121-11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30288 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S.O. No. 1474, Amdt. No. 1]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Fourth Revised Service Order No. 1474.

SUMMARY: Fourth Revised Service Order No. 1474, authorized various railroads to use tracks and/or facilities of Chicago,

Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee). This amendment extends the expiration date until 11:59 p.m., December 15, 1980.

EFFECTIVE DATE: 11:59 p.m., September 30, 1980, and continuing in effect until 11:59 p.m., December 15, 1980, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. CLEMENS, JR. (202) 275-7840.

Upon further consideration of Fourth Revised Service Order No. 1474 (45 FR 41638, 43766, 48634, 52158 and 53157), and good cause appearing therefor:

§ 1033.1474 [Amended]

It is ordered, That § 1033.1474 *Various Railroads Authorized to use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)* Fourth Revised Service Order No. 1474 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order shall expire 11:59 p.m., December 15, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1980.

This action is taken under authority of 49 U.S.C. 10304-10305 and 11121-11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30266 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1475, Amdt. 1]

Atchison, Topeka & Santa Fe Railway Co. Authorized To Operate Over Tracks of Missouri Pacific Railroad Co. Between Newton and McPherson, Kans.

Decided: September 24, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1475.

SUMMARY: Service Order No. 1475 authorized The Atchison, Topeka, and Santa Fe Railway Company (ATSF) to operate over the tracks of the Missouri Pacific Railroad Company (MP) between Newton and McPherson, Kansas, in order to expedite ATSF movements, improve operational efficiency, and eliminate the need to continue an operation over the bankrupt Chicago, Rock Island and Pacific Railroad Company. This amendment extends the expiration date until 11:59 p.m., November 30, 1980, and is conditional upon appropriate filings for permanent authority.

EFFECTIVE: 11:59 p.m., September 30, 1980, and continuing in effect until November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840

SUPPLEMENTARY INFORMATION:

Upon further consideration of Service Order 1475, (45 FR 41959), filing of an application of permanent authority, and good cause appearing therefor:

It is ordered,

Section 1033.1475 The Atchison, Topeka and Santa Fe Railway Company Authorized to Operate Over Tracks of Missouri Pacific Railroad Company Between Newton and McPherson, Kansas: Service Order No. 1475 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1475 [Amended].

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1980.

This action is taken under authority of 49 U.S.C. 10304-10305 and 11121-11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30279 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Second Revised Service Order 1381]

Indiana Interstate Railway Co., Inc.; Authorized To Operate Over Tracks Leased From the State of Indiana

Decided September 24, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Second revised service order No. 1381.

SUMMARY: Second Revised Service Order No. 1381 modifies the previous order by the deletion of the authority which permitted Indiana Interstate Railway Company, Inc., (II) to operate between Rochester and Monterey, Indiana, as requested. The authority granted II to operate between Goshen and Shipshewana, Indiana, is extended until 11:59 p.m., November 30, 1980, in order to provide uninterrupted service pending the Commission's decision on a pending application for permanent authority.

EFFECTIVE: 11:59 p.m., September 30, 1980, and continues in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

The Public Service Commission of Indiana has leased various lines from the Penn Central Corporation and has designated Indiana Interstate Railway Company, Inc., (II) to operate over certain segments of these leased lines. Indiana Interstate Railway Company is willing to operate over these lines between Goshen, and Shipshewana,

Indiana, in order to provide essential rail service to numerous shippers. The authority granted II to operate between Rochester and Monterey, Indiana, is deleted, as requested.

It is the opinion of the Commission that an emergency exists requiring the immediate resumption of operations over this line in the interest of the public; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1381 Second revised service order No. 1381.

(a) *Indiana Interstate Railway Company, Inc., Authorized To Operate Over Tracks Leased From the State of Indiana—Authority.* 1. The Indiana Interstate Railway Company, Inc., (II) is authorized to operate over tracks between Goshen, Indiana (Milepost 0.7) and Shipshewana, Indiana (Milepost 16.7), a distance of approximately 16.0 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the necessary filings of the Indiana Interstate Railway Company, Inc., seeking permanent authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 11:59 p.m., September 30, 1980.

(e) *Expiration date.* The provisions of this order shall remain in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30267 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order 1391, Amdt. 1]

Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of Missouri Pacific Railroad Co.

Decided: September 24, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1391.

SUMMARY: Service Order No. 1391 authorized the Missouri-Kansas-Texas Railroad Company to operate over the tracks of the Missouri Pacific Railroad Company between Dallas and Fort Worth, Texas. This amendment establishes an expiration date in order to affect greater control of utilization, and is conditioned upon a timely filing of an application for permanent trackage rights.

EFFECTIVE: 11:59 p.m., September 30, 1980, and continuing in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Upon further consideration of Service Order No. 1391, (44 F.R. 46461), and good cause appearing therefor:

It is ordered, that, § 1033.1391 Service Order No. 1391, Amendment No. 1, Missouri-Kansas-Texas Railroad Company Authorized To Operate Over Tracks of Missouri Pacific Railroad Company, is amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1391 [Amended]

* * * * *

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1980.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Member Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30269 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[S.O. No. 1476, Amdt. No. 1]

Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of Southern Pacific Transportation Co. Near Houston, Tex.

September 25, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1476.

SUMMARY: Service Order No. 1476, authorized the Missouri-Kansas-Texas Railroad Company to operate over tracks of the Southern Pacific Transportation Company near Houston, Texas. This amendment extends the expiration date until 11:59 p.m., November 30, 1980. Further extension is conditioned upon appropriate filing with the Commission for permanent trackage rights.

EFFECTIVE DATE: 11:59 p.m., September 30, 1980, and continuing in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Upon further consideration of Service Order No. 1476, (45 FR 42289), and good cause appearing therefor:

§ 1033.1476 [Amended]

It is ordered, that § 1033.1476 *Missouri-Kansas-Texas Railroad Company Authorized To Operate Over Tracks of Southern Pacific Transportation Company Near Houston, Texas,* Service Order No. 1476 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission, and are conditioned

upon an appropriate filing for permanent authority.

Effective date. This order shall become effective at 11:59 p.m., September 30, 1980.

This action is taken under authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30355 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[S.O. No. 1480; Amdt. No. 1]

Distribution of Freight Cars

September 25, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1480.

SUMMARY: Service Order No. 1480 provides for the substitution of smaller cars for larger cars of any type when the larger cars are unavailable. When issued, Service Order No. 1480 required carriers to modify tariffs to incorporate the provisions of the order. The Commission has been notified that such modifications have been filed; however, the present expiration date of September 30, 1980, does not permit sufficient time for filings to become effective. This amendment extends the expiration date until November 30, 1980, to provide carriers with sufficient additional time.

EFFECTIVE DATE: 11:59 p.m., September 30, 1980, and continuing in effect until 11:59 p.m., November 30, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Upon further consideration of Service Order No. 1480, (45 FR 52160), and good cause appearing therefor:

§ 1033.1480 [Amended]

It is ordered, that § 1033.1480 *Distribution of freight cars,* Service Order No. 1480 is amended by substituting the following paragraph (i) for paragraph (i) thereof:

* * * * *

(i) *Expiration date.* The provisions of this order are extended until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1980.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commisson at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30354 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1100

[Ex Parte No. 55 (Sub-No. 43)]

Rules Governing Applications for Operating Authority; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to interim rules and request for comments.

SUMMARY: On July 3, 1980, at 45 FR45534, the Commission published interim rules to reflect changes in statutory provisions as required by the Motor Carrier Act of 1980. The changes required include expedited procedures, changing the entry standards for motor carriers of property, and redefining contract carriage of property by motor vehicle. In this correction document, changes will be made to redesignate the existing interim regulations. To avoid confusion we request that the public continue to use the old desingations in their pleadings until the rules appear in their redesignated form in the CFR.

FOR FURTHER INFORMATION CONTACT: Peter Metrinko (primary contact), (202) 275–7885; Van Bosco (forms information); (202) 275–0193; Donald J. Shaw, Jr. (202) 275–7292.

SUPPLEMENTARY INFORMATION: As the interim regulations added to 49 CFR 1100 now stand, they are codified as §§ 1100.247(A) through 1100.247(C). Existing § 1100.247 was deleted by this decision. To correct the codification of these interim rules, they will be redesignated according to the table set forth below.

Old section No.	New section No.
1100.247(A)	1100.251
1100.247(B)	1100.252
1100.247(C)	1100.253

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30303 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1100

[Ex Parte No. 55 (Sub-No. 44)]

Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to interim rules and request for comments.

SUMMARY: On July 3, 1980, at 45 FR 45529, the Commission published interim rules to reflect changes in statutory provisions as required by the Motor Carrier Act of 1980. The changes required include expedited procedures for processing certain motor carrier finance applications. In this correction document, changes will be made to redesignate the existing interim regulations.

FOR FURTHER INFORMATION CONTACT: Richard Kelly, (202) 275–7245; Eliot Horowitz, (202) 275–7657Bruce Kasson, (202) 275–7655.

SUPPLEMENTARY INFORMATION: As the interim regulations added to 49 CFR Part 1100 now stand, they are codified as §§ 1100.240(A) through 1100.240(E). Existing § 1100.240 was deleted by this decision. To correct the codification of these interim rules, they will be redesignated according to the table set forth below.

Old section No.	New section No.
1100.240(A)	1100.240
1100.240(B)	1100.241
1100.240(C)	1100.242
1100.240(D)	1100.243
1100.240(E)	1100.244

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-30302 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1011 and 1101
[Ex Parte No. MC-67 (Sub-No. 9)]

Revised Temporary Authority Rules

AGENCY: Interstate Commerce Commission.

ACTION: Correction to final rules.

SUMMARY: The Motor Carrier Act of 1980 required a revision of the rules affecting the *duration* of (but not the substantive criteria governing) temporary authority and emergency temporary authority for motor carriers of property. Final rules published at 45 FR 45525, July 3, 1980 implemented the changes to grant, where appropriate, temporaray authority for a period of not more than 270 days, and emergency temporary for not more than 30 days, with possible extension of not more than 90 additional days. Certain of the rules adopted in this proceeding were incorreclty numbered. Part 1 of the appendix did not reflect the addition of § 1011.5(c) in 45 FR 28143 (April 28, 1980). Part 2 of the Appendix did not take into account § 1011.6(g)(3) which was added in 44 FR 60295 (October 19, 1979), therefore the section added in this proceeding should have been and now will be numbered § 1011.6(g)(6). Also parts 3 and 4 of the Appendix did not reflect the changes made in 45 FR 11811-12 (February 22, 1980). These sections have been renumbered accordingly.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Paul Grossman, 202-275-7976.
Jane Alspaugh, 202-275-4561.
Donald J. Shaw, Jr., 202-275-7292.

By the Commission, Darius W. Gaskins, Jr., Chairman.

Dated: September 30, 1980.

Agatha L. Mergenovich,
Secretary.

Appendix

* * * * *

1. Correct part 1 to read as follows:

§ 1011.5 [Corrected]

Delete 49 CFR 1011.5(c) and renumber 49 CFR 1011.5 (d) and (e) as 49 CFR 1011.5 (c) and (d).

2. Correct part 2 to read as follows:

§ 1011.6 [Corrected]

Add 49 CFR 1011.6(g)(6) as follows:

(6) Appeals from decisions of the Regional Motor Carrier Boards entered under 49 U.S.C. 10928.

3. Correct part 3 to read as follows:

Renumber present 49 CFR 1011.6(b)(2) as 49 CFR 1011.6(g)(4).

4. Correct part 4 to read as follows:

Renumber present 49 CFR 1011.6(b)(3) as 49 CFR 1011.6(g)(5).

* * * * *

7. Correct part 7, line 1 to read as follows:

§ 1101.2 [Corrected]

Amend 49 CFR 1101.2(c) to read as follows:

(c) "*Aggregate of 180 days.*" The total number of days.

[FR Doc. 80-30711 Filed 9-30-80; 9:55 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 192
Wednesday, October 1, 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 THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 233

San Carlos Indian Irrigation Project, Arizona; Revision of Power Rates

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Poposed rule.

SUMMARY: The Bureau of Indian Affairs proposes to revise one of the three rate schedules which establish the charges for electric power and energy provided by the San Carlos Indian Irrigation Project. An analysis of the financial condition of the Power Division indicates that a rate adjustment is necessary in order to assure sound management and operation of the power system.

DATE: Comments must be received on or before October 31, 1980.

ADDRESS: Written comments should be directed to the Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011.

FOR FURTHER INFORMATION CONTACT: Project Engineer, San Carlos Indian Irrigation Project, P.O. Box 456, Coolidge, Arizona 85228, Telephone (602) 723-5439.

SUPPLEMENTARY INFORMATION: The projected operating revenues for fiscal year 1980 are $7,112,500 and the projected operating expenses are $7,796,000; this leaves a deficit of $683,500. To eliminate this deficit and to allow for increased costs of labor, materials and equipment, the Project power rates must be adjusted as appropriate to generate the required additional revenues.

A study performed by the Project indicates that revenues derived from the sale of energy under the general rate schedule are not sufficient to cover the apportioned cost of service provided to this class of customers; therefore, it is proposed that the general rate schedule applicable to single-phase or three-phase electric service for all purposes except residence and small non-commercial users be adjusted to more accurately reflect the apportioned cost of service. If effected power bills for service provided under the general rate schedule would increase as follows: 18 percent for 5,000 Kilowatt-hours, 23 percent for 10,000 Kilowatt-hours or 24 percent for 32,400 Kilowatt-hours.

This notice is published in exercise of rulemaking authority delegated to the Commissioner of Indian Affairs, in 230 DM 2 and redelegated to Area Directors in 10 BIAM 3.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule.

The principal author of this document is Ralph Esquerra, San Carlos Irrigation Project, P.O. Box 456, Coolidge, Arizona, Telephone (602) 723-5439.

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

It is proposed to amend Part 233, Subchapter U, Chapter 1 of Title 25 of the Code of Federal Regulations as follows:

Section 233.52 is amended by revising paragraphs (b), (c), (d) and (g) to read as follows:

§ 233.52 Rate Schedule No. 2—General rate.

* * * * *

(b) Monthly rate. (1) $8.00 minimum which includes the first 50 kilowatt-hours;

(2) 9.6 cents per kilowatt-hour for the next 350 kilowatt-hours;

(3) 5.7 cents per kilowatt-hour for the next 600 kilowatt-hours;

(4) 4.0 cents per kilowatt-hour for the next 9,000 kilowatt-hours;

(5) When use is 10,000 kilowatt-hours or more: First 10,000 kilowatt-hours $435.80;

(6) Additional kilowatt-hours at 3.9 cents per kilowatt-hour, less a credit of .8 cents per kilowatt-hour for each kilowatt-hour above 200 times the billing demand (50 KW minimum).

(c) Minimum bill. The minimum bill shall be $1.75 per month per kilowatt of billing demand, except where the customer's requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with current month, equal to twelve times the highest monthly minimum computed for the same twelve month period. However, no monthly billing shall be less than $8.00.

(d) Contract demand. Each contract for 15 KW or over shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand.

* * * * *

(g) Purchase power adjustment. An adjustment shall be added for each kWh used equal to the estimated average purchased power adjustment (rounded to the nearest $0.0001) paid by the Project to the Project's power suppliers.

It is hereby certified that the economic and inflationary impact of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

W. P. Ragsdale,
Assistant Area Director.

[FR Doc. 80-30061 Filed 09-30-80; 8:45 am]

BILLING CODE 4310-02-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Improving Government Regulations; Semiannual Agenda of Regulations Under Review and Development

AGENCY: Federal Mediation and conciliation Service.

ACTION: Publication of semiannual agenda of regulations under review and development.

SUMMARY: This notice contains the semi-annual list of existing FMCS Regulations presently under review by the Service and the list of proposed Regulations currently under development. The Regulations discussed are those covering grants pursuant to the Labor-Management Cooperation Act; and FMCS part-time employment policies. This list is published pursuant to section 2(a) of Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Assocate General Counsel, Federal Mediation and Conciliation Service, Washington, D.C. 20427, (202) 653-5305, FTS 653-5305.

SUPPLEMENTARY INFORMATION: This agenda of Regulations published pursuant to section 2(a) of Executive Order 12044, has been approved by the Director of Federal Mediation and Conciliation Service.

The following Regulations are under review or development.

1. Proposed regulations governing FMCS part-time employment policies (29 CFR Part 1405) were published on April 10, 1980 for a 60-day period of public comment. The regulations were necessary to comply with the Federal Employees Part-time Career Employment Act of 1978 (Pub. L. 95–437). The agency has reviewed all comments and will publish the final Regulation in the **Federal Register** shortly. A regulatory analysis is not required for these Regulations.

Inquiries regarding the Part-time Employment regulations may be directed to Nancy Broff, Assistant General Counsel, (202) 653–5305.

2. The Labor-Management Cooperation Act of 1978 (Pub. L. 95–524) authorized FMCS to provide assistance, including grants, cooperative agreements and contracts, for establishment and operation of labor-management committees. When Congress provides funding for this legislation, the Service will develop regulations to implement the grant program. Inquiries concerning this program may be directed to Daniel P. Dozier, Associate General, (202) 653–5305.

Wayne L. Horvitz,

Director.

[FR Doc. 80-30369 Filed 9-30-80; 8:45 am]

BILLING CODE 6732-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 732

Procedures and Criteria for Approval or Disapproval of State Program Submissions

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining is proposing to amend 30 CFR Part 732 which sets forth the regulations regarding procedures and criteria for approval or disapproval of State Program Submission, to all States to enact laws and regulations after the deadline set for resubmission of an initially disapproved program provided that laws or regulations have been or can be subjected by the Director to a public comment period of at least ten days prior to the Secretary's decision on the resubmission.

DATES: Written comments on the proposed rule must be received at the address below by 5:00 p.m. on October 31, 1980.

A public hearing on the proposed rule has been scheduled for the Office of Surface Mining, Room 251, Interior South Bldg., 1951 Constitution Ave., N.W. Washington D.C., 20240, on October 21, 1980, at 9:00 a.m. Any person interested in making a written or oral presentation at the hearing should contact Carl C. Close at the address and phone number listed below under the contact for further information by October 16, 1980. If no person by this date has so expressed an interest in participating in the hearing, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments must be mailed to the Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Ave., N.W., Attn: Andy Caraker, Room 264, Washington, D.C. 20240, or be hand delivered to the Office of Surface Mining, Andy Caraker, Room 264, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Asistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–4225.

SUPPLEMENTARY INFORMATION: On March 13, 1979, the Secretary promulgated final rules for the permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act). The rules, among other things, established requirements and procedures for the development, review and approval of programs submitted by States for the purpose of obtaining primary jurisdiction under the Act to regulate surface coal mining and reclamation operations on non-Federal and non-Indian lands within their respective borders. Certain provisions of the rules establish requirements with respect to dates by which States must submit enacted laws and regulations

Section 732.11(d), as amended, provides that the Secretary will initially disapprove a program submision if it does "* * * not contain all required and fully enacted laws and regulations by 104 days from the date of submission * * *." Similary, the rules subject a State program submission to final disapproval if the State fails to submit all necessary and enacted laws and regulations within 60 days of an initial decision disapproving its program submission (see § 732.13(f), in conjunction with §§ 732.12(b)(2), 732.13(g), and the preamble at 44 FR 14958–59). These provisions preclude consideration by the Secretary in his decisions of any law or regulation which has not been enacted and submitted by the deadline.

Experience has shown that such a requirement with respect to program resubmissions is unnecessarily stringent in that it limits a State's ability to make the changes in its laws and regulations identified as necessary during Departmental and public review of its program. The Secretary believes that it would be appropriate and beneficial to establish a later deadline for enactment of necessary laws and regulations. The Secretary also believes that such a later deadline can be accomplished within the time for decision established by the Act and with public review.

Accordingly, § 732.13 is proposed to be amended by adding provisions to allow enactment of laws and regulations up to the date established for the Secretary to make the final decision on a State's revised program, provided that the law or regulation is submitted to the Regional Director at least fifteen days prior to that date in the exact form in which it has been or will be enacted. Provision for a public comment period of at least ten days is also made in the proposed amendment.

A further change, for purpose of greater clarity, is proposed in § 732.13 to redesignate as a separate section the last two sentences of § 732.13(f) relating to announcement and effect of the Secretary's final decision on a State's program submission.

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rule.

The Secretary 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, 43 FR 58292, *et seq.* (December 12, 1979).

Primary author of this document is Andy Caraker, Division of State Programs, Office of Surface Mining.

Dated: September 19, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

Text of Proposed Amendment:

§ 732.13 [Amended]

1. 30 CFR 732.13(i) is proposed to be amended by redesignating it as § 732.13(k).

§ 732.13 [Amended]

2. 30 CFR 732.13(h) is proposed to be amended by redesignating it as § 732.13(j).

§ 732.13 [Amended]

3. 30 CFR 732.13(g) is proposed to be amended by redesignating it as § 732.13(i).

§ 732.13 [Amended]

4. 30 CFR 732.13(f) is proposed to be amended by designating the last two sentences as § 732.13(h). New § 732.13(h) would read: "The Secretary shall either approve or disapprove the revised program within 60 days from the date of submission of the revised program and publish that decision and reasons for the decision in the **Federal Register**. A decision disapproving the revised program constitutes the final decision by the Department disapproving that program in its entirety."

5. 30 CFR 732.13(f) is proposed to be amended by inserting after the comma in the second sentence "except as provided in § 732.13(g) and". Amended § 732.13(f) would read: "If the Secretary disapproves a program, in whole or in part, the State shall have 60 days from the date of publication of the **Federal Register** notice to submit a revised program to the Regional Director for reconsideration. The procedures of § 732.12 will then apply to the revised State program, except as provided in § 732.13(g), and except that the time allowed between publication of notice and the public hearing for public review and comment may be shortened to not less than 15 days."

§ 732.13 [Amended]

6. 30 CFR 732.13 is proposed to be amended by adding a new § 732.13(g) to read: "A State may enact laws and regulations at any time up to the date established pursuant to § 732.13(h) for the Secretary to make his or her decision on the State's revised program, provided that the law or regulation is submitted to the Regional Director at least fifteen days prior to that date in the exact form in which it has been or will be enacted. Any law or regulation submitted pursuant to this section shall be subject to a public comment period of at least ten days prior to the Secretary's decision on the revised program.

[FR Doc. 80-30608 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part

Disapproval of the Permanent Program Submission From the State of Ohio Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Proposed rule: Disapproval and opportunity for resubmittal.

SUMMARY: On February 29, 1980, the State of Ohio submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII. After opportunity for public comment and thorough review of the program submission, the Secretary of the Interior has determined that the Ohio program submittal does not meet the requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary of the Interior has disapproved the Ohio program submittal because the State did not submit enacted laws and regulations. The Secretary is affording the State 60 days within which to resubmit its program.

DATE: Ohio has until December 1, 1980 to submit revisions of the disapproved program for the Secretary's consideration.

ADDRESSES: Copies of the Ohio program submission and the administrative record on the Ohio program are available for public inspection and copying during business hours at:

Ohio Division of reclamation, Department of Natural Resources, Fountain Square, Building B, Columbus, Ohio 43224.

Office of Surface Mining, Region III, Fifth Floor, Room 510, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204.

Office of Surface Mining, Room 153, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240.

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

SUPPLEMENTARY INFORMATION:

Introduction

This notice is organized to assist understanding of the findings underlying the Secretary's decision. It is divided into seven major parts.

A. General Background on the Permanent Program.

B. General Background on the State Program Approval Process.

C. Background on the Ohio Program Submission.

D. Secretary's Finding and Explanation.

E. Disposition of Public Comments.

F. The Secretary's Decision.

G. Additional Findings.

Part A sets forth the statutory and regulatory framework of the environmental protection regulatory scheme under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

Part B sets forth the general statutory and regulatory scheme applicable to all states which wish to obtain primary jurisdiction to implement the permanent program on non-Indian and non-Federal lands within their borders.

Part C summarizes the steps undertaken by Ohio and officials of the Department of Interior, beginning with Ohio's program submission and leading to the decision being announced today.

Part D contains the findings the Secretary has made and the reasons for them.

Part E summarizes the significant public comments received on the Ohio program during the public comment period and discusses the Secretary's disposition of them.

Part F indentifies those parts of the Ohio program which have been disapproved. Procedures Ohio may follow to correct the deficiencies are presented and the effect of the decision is discussed.

Part G summarizes the Secretary's findings with regard to regulatory analysis and environmental impact of the decision.

A. General Background on the Permanent Program

The environmental protection provisions of SMCRA are being implemented in two phases—the initial program and the permanent program—in accordance with Sections 501–503 of SMCRA, 30 U.S.C. 1251–1253. The initial program became effective on February 3, 1978, for new coal mining operations on non-Federal and non-Indian lands which received state permits on or after that date, and was effectuated on May 3, 1978, for all coal mines existing on that date. The initial program rules were promulgated by the secretary on

December 13, 1977, under 30 CFR Parts 710–725, 42 FR 62639.

The permanent program will become effective in each state upon the approval of a state program by the Secretary of the Interior or implementation of a Federal program within the state. If a state program is approved, the state, rather than the Federal government, will be the primary regulator of activities subject to SMCRA. The Federal regulations for the permanent program, including procedures for states to follow in submitting state programs and minimum standards and procedures the state programs must include to be eligible for approval, are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064), and Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published March 13, 1979 (44 FR 15312–15463). Errata notices were published March 14, 1979 (44 FR 15485), August 24, 1979 (44 FR 49673–49687), September 14, 1979 (44 FR 53507–53509), November 19, 1979 (44 FR 66195), April 16, 1980 (45 FR 26001), June 5, 1980 (45 FR 37818) and July 15, 1980 (45 FR 47424). Amendments to the regulations were published October 22, 1979 (44 FR 60969), as corrected December 19, 1979 (44 FR 75143), December 19, 1979 (44 FR 75302–75303), December 31, 1979 (44 FR 77440–77447), January 11, 1980 (45 FR 25626–2629), April 16, 1980 (45 FR 25998–26001), May 20, 1980 (45 FR 33926–33927), June 10, 1980 (45 FR 39446), and August 6, 1980 (45 FR 52306). Portions of these regulations which have been suspend pending further rulemaking were published on November 27, 1979 (44 FR 67942), December 31, 1979 (44 FR 77447–77454), January 30, 1980 (45 FR 6913) and August 4, 1980 (45 FR 51547–51549).

B. General Background on State Program Approval Process

Any state wishing to assume primary jurisdiction for the regulation of coal mining under SMCRA may submit a program for consideration. The Secretary of the Interior has the responsibility to approve or disapprove the submission.

The Federal regulations governing state program submissions are found at 30 CFR Parts 730–732. After review of the submission by OSM and other agencies, an opportunity for the state to make additions or modifications to the program and an opportunity for public comment, the Secretary may approve the program, approve it conditioned upon minor deficiencies being corrected in accordance with a specified timetable, or disapprove the program in whole or in part.

If the program is disapproved, the state may submit a revision to correct the items that need to be changed to meet the requirements of SMCRA and the applicable Federal regulations. If any part of the revised program is also disapproved, under SMCRA, the Secretary of the Interior must establish a Federal program in that state. The state may again request approval to assume primary jurisdiction after the Federal program has been implemented.

The procedure and timetable for the Secretary's review of state programs is contained in 30 CFR Part 732, initially published March 13, 1979 (44 FR 15326). Section 732.11(d) states:

> Program submissions that do not contain all required and fully enacted laws and regulations by November 15, 1979, will be disapproved pursuant to the procedures for the Secretary's initial decision in Section 732.13.

As a result of litigation in the U.S. District Court for the District of Columbia, the deadline for states to submit proposed programs was extended from August 3, 1979, to March 3, 1980.

Because Section 503(b) of SMCRA provided an initial six months review period, the November 15, 1979, date in 30 CFR 732.11(d) and 732.12(b)(2) became obsolete as a result of this court decision. Therefore, on May 20, 1980 (45 FR 33927), 30 CFR 732.11(d) and 732.12(b)(2) were amended to change the November 15, 1979, date to the 104th day after program submission. Other minor adjustments were made to the timetables for comments and hearings. The Ohio program was submitted to OSM on February 29, 1980. The 104th day after February 29 was June 12, 1980.

In an April 28, 1980, notice announcing that the original Ohio submission was incomplete, the Regional Director informed the public that this rule would apply in Ohio. See 45 FR 28169, Col. 1.

The Secretary's rules for the review of state programs implement his policy that industry, the public, and other agencies of government should have a meaningful opportunity to participate in his decisions. The Secretary also has a policy that a state should be afforded the maximum opportunity possible to change its program, when necessary, to cure any deficiencies in it.

To accomplish both of these policy objectives, the Secretary determined that the laws and rules upon which the state bases its program must be finalized at the beginning of the public comment period. By identifying the laws and rules in effect on the 104th day as the basis of his program approval decision, the Secretary assists commenters by informing them of program elements which should be reviewed. Meaningful public comment would be undermined if the program elements were constantly changing up until the day before the Secretary's decision.

The 104 day rule affords the state 3½ months following submission within which it may modify its laws and rules. In addition, after the Secretary's initial program decision, the states have additional opportunities to revise their laws and regulations.

All program elements other than laws and rules, including Attorney General's opinions, program narratives, descriptions and other information, may be revised by the state at any time prior to program approval. The Secretary will provide opportunity for public comment on those changes, as appropriate.

The Secretary, in reviewing state programs, is applying the criteria of Section 503 of SMCRA (30 U.S.C. 1253) and 30 CFR 732.15. In reviewing the Ohio program, the Secretary has followed the Federal rules as cited above under "General Background on the Permanent Program" and as affected by three recent decisions of the U.S. District Court for the District of Columbia in *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144).

Because of the complex litigation, the court issued its initial decision in two "rounds." The Round I opinion, dated February 26, 1980, denied several generic attacks on the permanent program regulations, but resulted in suspension or remanding of all or part of twenty-two specific regulations. The Round II opinion, dated May 16, 1980, denied additional generic attacks on the regulations, but remanded some forty additional parts, sections or subsections of the regulations. The court also ordered the Secretary to "affirmatively disapprove, under Section 503 (of SMCRA), those segments of a state program that incorporated a suspended or remanded regulation" (Mem. Op., May 16, 1980, p. 49). However, on August 15, 1980, the court stayed this portion of its opinion. The effect of its stay is to allow the Secretary, when requested by a state, to approve state program provisions in the three circumstances described in paragraph one below.

Therefore, the Secretary is applying the following standards in the review of state program submissions:

1. The Secretary need not affirmatively disapprove state provisions similar to those Federal

regulations which have been suspended or remanded by the District Court where the state has adopted such provisions in a rulemaking or legislative proceeding which occurred either (1) before the enactment of SMCRA or (2) after the date of the Round I or Round II (as appropriated) District Court decision, since such state regulations clearly are not based solely upon the suspended or remanded Federal regulations. (3) The Secretary need not affirmatively disapprove provisions based upon suspended or remanded Federal rules if a responsible state official has requested the Secretary to approve them.

2. The Secretary will affirmatively disapprove, to the extent required by the court's decision, all provisions of a state program which incorporate suspended or remanded Federal rules and which do not fall into one of the three categories in paragraph one, above. The Secretary believes that the effect of his "affirmative disapproval" of a section in the state's regulations is that the requirements of that section are not enforceable in the permanent program at the Federal level to the extent they have been disapproved. That is, no cause of action for enforcement of the provisions, to the extent disapproved, exists in the Federal courts and no Federal inspection will result in notices of violation or cessation orders based upon the "affirmatively disapproved" provisions. The Secretary takes no position as to whether the affirmatively disapproved provisions are enforceable under state law and state courts. Accordingly, these provisions are not being pre-empted or superseded, although the Secretary may have the power to do so under Section 504(g) of SMCRA and 30 CFR 730.11.

3. A state program need not contain provisions to implement a suspended regulation and no state program will be disapproved for failure to contain a suspended regulation. Nonetheless, a state must have the authority to implement all permanent program provisions of SMCRA, including those provisions of SMCRA upon which the Secretary bases the remanded or suspended regulation, including any provision of which a suspended or remanded regulation was based.

4. A state program may not contain any provision that is inconsistent with a provision of SMCRA.

5. Programs will be evaluated only as to those provisions other than the provisions that must be disapproved because of the court's order. The remaining provisions will be unconditionally approved, conditionally approved or disapproved, in whole or in part, in accordance with 30 CFR 732.13.

6. Upon promulgation of new regulations to replace those that have been suspended or remanded, the Secretary will afford states that have approved or conditionally approved programs a reasonable opportunity to amend their programs, as appropriate. In general, the Secretary expects that the provisions of 30 CFR 732.17 will govern this process.

A list of the regulations suspended or remanded as a result of the Round I and Round II litigation was published in the **Federal Register** on July 7, 1980 (45 FR 45604). Since the Ohio rules are not enacted, the Secretary is today disapproving all the Ohio draft rules, and he does not have separately to disapprove any Ohio rule to comply with the court's order.

To codify decisions on state programs, Federal programs, and other matters affecting individual states, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T will consist of Parts 900 through 950.

Provisions relating to Ohio will be found in 30 CFR 935 once Ohio's resubmission has been approved or finally disapproved after opportunity for resubmission, or if Ohio does not resubmit its program within sixty days.

Background on the Ohio Program Submission

Ohio's proposed surface mining legislation (Senate Bill 349) was submitted to the State legislature on February 20, 1980. The Ohio permanent program submission, including proposed rules, was submitted to OSM on February 29, 1980. Appropriate distribution was made within OSM and to other governmental agencies. Announcement of receipt of the submission was made in newspapers of general circulation in the State of Ohio and published in the **Federal Register** on March 7, 1980 (45 FR 14883–14884). An appropriately announced public review meeting regarding completeness of the submission was held in Columbus, Ohio, on April 11, 1980.

Comments from the reveiwers regarding completeness were coordinated and the submission was deemed incomplete. The State was so notified on April 28, 1980 (Administrative Record No. OH–0068), and a determination that the State program was incomplete was published in the **Federal Register** on April 28, 1980 (45 FR 28168–28169). As of June 12, 1980, the 104th day after program submission, the Ohio Division of Reclamation (ODR) had not submitted any additions or modifications to its program submission. Also as of June 12, 1980, Ohio's proposed statute had not been enacted and the draft regulations had not been promulgated. In addition, the state legal opinion required by 30 CFR 731.14(c) has not been submitted.

Comments from reviewers regarding content of the Ohio program were coordinated by the Region III office, and a preliminary list of deficiencies and suggestions for corrections was forwarded to the Ohio Division of Reclamation on May 19, 1980. (Administrative Record No. OH-0081.)

On June 19, 1980, the regional director published notice in the **Federal Register** (45 FR 41456–41458) and in newspapers of general circulation within the State that no additions or modifications had been made to the Ohio submission within the prescribed deadline, June 12, 1980. The notice set forth a summary of the State program, the times and locations for public review of the program, and procedures for the public hearing and comment period on the substance of the program. (Administrative Record No. OH-0152.)

On July 11, 1980, the public was invited to comment on a tentative list of proposed Ohio provisions which appeared to be based on suspended and remanded Federal rules (45 FR 46820).

Public hearings regarding the Ohio permanent program submission were held in St. Clairsville, Ohio, on July 21, 1980, and in Columbus, Ohio, on July 22, 1980.

Following the July 21 and 22, 1980, public hearings, the regional director completed his program review on July 31, 1980, and forwarded the public hearing transcript, written presentations, exhibits and copies of all comments to the Director together with a recommendation that the program be disapproved.

On August 8, 1980 (45 FR 52834), the Secretary publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies.

On August 22, 1980, (Administrative Record No. OH–0156), the Director communicated to Ohio the August 15, 1980, court opinion staying its earlier order to "affirmatively disapprove" segments of a state program incorporating suspended or remanded Federal regulations. The State was asked to inform OSM if there were any such provisions in its program that Ohio wished the Secretary *not* to affirmatively disapprove. No reply has been received from the State; in any event, all draft state regulations are being initially disapproved since they

were not fully promulgated by the 104th day after program submission.

On August 29, 1980, the Administrator of the Environmental Protection Agency concurred, by letter, in the Secretary disapproving those portions of the Ohio program which relate to air or water quality standards promulgated under the authority of the Clean Water Act, 33 U.S.C. 1151–1175, and the Clean Air Act, 42 U.S.C. 7401, *et seq.*

On September 8, 1980, the Director recommended to the Secretary that the program be disapproved in whole.

The Secretary's decision to disapprove the Ohio program in whole was conveyed in a letter to Governor Rhodes on September, 1980 (Administrative Record No. OH–0161), and in a letter to Mr. Charles Call, Division of Reclamation, Ohio Department of Natural Resources, on September, 1980 (Administrative Record No. OH–0162). In addition, the Director of the Office of Surface Mining will transmit detailed findings to Mr. Charles Call concerning the Ohio submission. The Director's letter will be placed in the Administrative Record.

Throughout the period beginning with the submission of the program, OSM has had frequent contacts with the staff of the Division of Reclamation. Discussions of the state program submission were held with various officials. Minutes or notes of the discussions were placed in the Administrative Record and made available for public review and comment. After the public comment period closed, no discussions were held at which new information was presented which might have influenced this decision.

All contacts between officials and staff of the Department of the Interior and the State of Ohio were conducted in accordance with the Department's guidelines for such contacts published September 19, 1979 (44 FR 54444—54445).

D. Secretary's Findings and Explanation

The discussion in this part is based on a review of the Ohio program as submitted February 29, 1980. The program submission does not include enacted laws and regulations and various proposed amendments to those laws, as discussed under Part C, "Background on the Ohio Program Submission."

In accordance with 30 CFR 732.11(d), the failure to have all required laws and regulations fully enacted requires the Secretary to disapprove the Ohio program. Proposed laws and regulations do not give a state full legal authority for enforcement of the environmental performance standards in accordance with Section 503(b)(4) of SMCRA. In addition, without fully enacted laws and regulations, meaningful comment and review of the Ohio program by the public or the Secretary is impossible at this time.

Because Ohio intends to make extensive modifications to its proposed law and regulations, the Secretary is disapproving the entire program. The Secretary is unable to make any of the findings contained in Section 503(a) of SMCRA or 30 CFR 732.15, all of which must be made before a program can be approved.

The Director of the Office of Surface Mining will notify the Ohio Division of Reclamation in the near future of the specific findings made with respect to each of the thirty criteria for evaluation of a state program found in SMCRA and the Secretary's regulations and the reasons for each finding. These specific findings will include discussion of the proposed statute pending before the Ohio General Assembly and the proposed program elements. If enacted, the bill would extensively amend Ohio's existing program for the regulation of coal exploration and surface coal mining and reclamation operations. The analysis of the bill and program elements expressed in the letter is not necessarily final. Copies of the letter will be available for public review at the addresses listed above.

E. Disposition of Comments

The comments received on the Ohio program during the public comment periods described under "Background on Ohio Program Submission" raised several issues. The Secretary considered these comments in evaluating Ohio's program, as indicated below.

1. The Bureau of Mines (BOM) (Administrative Record Number (ARN) OH–0065) questioned the note found on page 4 of Volume III in the State's program submission which stated that the time for decision by the Regulatory Authority has been changed from sixty to ninety days. This note appears to be in error. Section 1513.07(I)(1), Volume II, of the State's proposed law requires sixty days which is the same as is required in Section 514(a) of SMCRA.

2. The Heritage Conservation Recreation Service (HCRS) (ARN OH–0101) suggested that the Ohio Office of Outdoor Recreation (OOR) be consulted for potential permit review responsibilities. Ohio's proposed regulation, Section 1501:13–4–05(L), specifies that when proposed surface coal mining operations may adversely affect any public park, the State Regulatory Authority will transmit a copy of the completed mine plan or permit application to the agency having jurisdiction. A mine plan approval or permit for operation will not be issued unless jointly approved by all affected agencies (Section 1501:13–3–04(F)), including OOR when parks within its jurisdication may be affected.

3. The United States Geological Survey (USGS) (ARN OH–0084) recommended that the State be informed about the existing Bureau of Land Management/USGS/OSM Memorandum of Understanding (MOU) on the management of Federal coal. A reference to the MOU in the state program was recommended to inform the general public and the State Regulatory Authority. The Secretary has sent copy of the MOU to the State and it may be referenced in the State's program if so desired.

4. The USGS (ARN OH–0084) requested a brief explanation of how the State intends to process proposed exploration, mining plans, or permits that include Federal lands. A request to regulate surface coal mining and reclamation operations on Federal land within a state is discretionary to the given state if it has an approved program. Until a state program and a cooperative agreement are approved, all Federal land coal mining and related activities will be under the jurisdiction of OSM and other appropriate Federal agencies. Ohio has indicated that it anticipates entering into a cooperative agreement with the Secretary regarding Federal lands in accordance with Section 523 of SMCRA. This agreement will address USGS concerns in detail.

5. The U.S. Fish and Wildlife Service (FWS) (ARN OH–0099) objected to the use of the word "agreement" to describe the procedures it has established with the State for the review of permit applications where there is a land use change or a stream affected. FWS argued that an agreement usually implies a signed formal document which in this instance it does not have. It would be receptive to discussions to formulate one in the future. The Secretary's rules do not require, but would not preclude, a formal agreement between state regulatory authorities and FWS.

6. FWS (ARN OH–0099) sought clarification on whether the Division of Reclamation (DOR) will determine on a case-by-case basis the permit applications that will be reviewed by FWS. The Secretary's rules (30 CFR 786.11(b) and (c)) require the regulatory authority to issue written notification to Federal, State and local government agencies with jurisdiction over or an interest in the area of the proposed operation including general government

entities and fish and wildlife and historic preservation agencies. Ohio has proposed as stringent a rule concerning notification at Section 1501:13-5-01(B). Additionally, on page 364 of Volume I of the program submission, concerning the system for protecting wildlife values, Ohio indicates that DOR will coordinate with FWS.

7. FWS (ARN OH-0099) suggested that the Division of Reclamation inform the permit applicant of expected fish and wildlife impacts and the need for additional studies, rather than the fish and wildlife agencies' notifying the applicant as is indicated in the flow chart on page 368 of Volume I in the State program submission. Also, FWS suggested that space be provided in the permit application for entering fish and wildlife information. These suggestions have been forwarded to the State, but changes to accommodate them will not be required for program approval, since the requirements of SMCRA and 30 CFR Chapter VII can be met without such changes.

8. FWS (ARN OH-0099) also pointed out that Ohio's regulations do not provide a 60-day period for State and Federal wildlife agencies to review permit applications with proposed land use changes for necessary measures to prevent or mitigate adverse effects on fish and wildlife, threatened or endangered plants, and related environmental values. The Secretary agrees with this comment. A 60-day period is required by 30 CFR 816.133(c)(8) and the Ohio program should allow consideration of fish and wildlife values in a manner consistent with the Federal regulations.

9. FWS (ARN OH-0099) recommended that Section 1501:13-9-17(D)(10) of the proposed Ohio regulations specify the Federal and State agencies to which the operator is to provide written notice of land use changes and that all potential permit applicants be provided with the name, address, and phone number of appropriate fish and wildlife agencies. While 30 CFR 816.133(c)(1) does not require mine operators to provide notice to agencies other than the regulatory authority, Ohio's proposed regulation would make this requirement. In order to assure that operators are able to carry out their responsibilities, the state should specify in its regulations or system narrative who should receive written notification.

10. FWS (ARN OH-0099) also suggested that Section 1501:13-9-17(D)(10) in Ohio's regulations be changed to require mine operators to provide written notice to the DOR of proposed land use changes prior to filing an application for a permit or an amendment to a permit. DOR would be expected to assume responsibility for providing notice to the appropriate State and Federal agencies. The Secretary has forwarded this suggestion to Ohio but will not require it to be adopted as a condition of program approval since Ohio's proposed rule appears to achieve the same result as 30 CFR 816.133(c)(1). A written statement of the views of the authorities with statutory responsibilities for land use policies and plans is required to accompany the request.

11. FWS (ARN OH-0099) was concerned with the discretionary action given the Chief with regard to waiving alternative postmining land use criteria for an insignificant land use change. Since "insignificant" is not defined, FWS recommended that proposed regulation Section 1501:13-9-17(D)(11) be deleted from the Ohio program. Based on information in the record at this time, the Secretary is unable to conclude that the regulation is inconsistent with CFR 816.133 regarding alternative postmining land use criteria because it provides a variance broader than the Federal rules. This also was noted in OSM's May 19, 1980, preliminary adequacy review of the Ohio program submittal (ARN OH-0081).

12. The National Park Service (NPS) (ARN OH-0102) commented that it should be involved in setting bond amounts for surface mining and reclamation activities that may impact NPS units. Section 1501:13-3-04(F)(1) of the proposed Ohio program provides for joint approval of a mine permit by the regulatory authority and the Federal agency having jurisdiction over a park. Also, NPS may become involved in bonding as part of the permitting process.

13. NPS (ARN OH-0102) commented that it should be allowed to participate in inspections in cases where NPS units may be affected, especially inspections concerning release of performance bond. Section 1501:13-7-04 of the proposed Ohio program provides for public notice and the right of persons affected by bond release to contest such release. NPS would have standing to object to bond release as "an affected person." Ohio's proposed regulations do not provide for citizen access to mine sites. The corresponding Federal provisions, 30 CFR 807.11(e) and 30 CFR 808.1(b), have been remanded on the grounds that the states must have the discretion to allow citizen access. Ohio probably will have to change its draft regulations once the Secretary adopts Federal regulations to implement the decisions of the U.S. District Court for the District of Columbia in *In Re: Permanent Surface Mining Regulation Litigation.* However, the Secretary is not requiring regulatory changes at this time to comply with the Court's May 16, 1980, opinion.

14. NPS (ARN OH-0102) requested the opportunity to participate in developing criteria for designating lands unsuitable for surface coal mining near NPS units and to be allowed to participate in protecting all resources on lands under its jurisdiction from mining in adjacent areas. Ohio's draft regulation 1501:13-3-05(B), identifying the criteria for designating lands as unsuitable, appears consistent with 30 CFR 762.11 and the Secretary cannot require the State to adopt additional criteria. The petition process included in Ohio's draft regulation 1501:13-3-07(A) provides the opportunity for any person having an interest that is or may be adversely affected to petition to have an area designated as unsuitable for mining. This approach appears to provide the NPS with the opportunity it seeks to protect lands in the National Park System.

The Secretary has instructed the Park Service not to seek criteria in State programs which would establish "buffer zones" adjacent to National Parks as automatically unsuitable for coal mining, unless these lands meet one or more of the other specific criteria for designation. On June 4, 1979, the Secretary made final decisions on the Federal Coal Management Program. Included in those decisions were numerous changes in the proposed unsuitability criteria for Federal lands. The Secretary chose to delete the automatic "buffer zone" language for national parks and certain other Federal lands from the first criterion (43 CFR 3461.1(a)). Instead, he stated lands adjacent to a national park should only be found unsuitable if they are covered by one of the other specific criteria (43 CFR 3461.1(b)-(t)). This instruction to the Park Service assures that that agency's approach to State unsuitability criteria will be compatible with the Secretary's policy on Federal unsuitability criteria.

15. NPS (ARN OH-0102) stated it should be notified concerning the review of exploration and mining permits which may have potential effect on the resources of park units. The Secretary's rules (30 CFR 786.11(b) and (c)) require written notification by the regulatory authority to Federal agencies with jurisdiction over or interest in the area of proposed operations and Ohio has proposed as stringent a rule concerning

such notification at Section 1501:13-5-01(B). 30 CFR 776.12(b) requires public notice when exploration would remove more than 250 tons and Ohio has proposed as stringent a rule regarding this criterion (Section 1501:13-402(B)(2)).

16. NPS (ARN OH-0102) desired to be involved in the development of mining and reclamation plans in two of its land management areas. The Secretary's regulations do not require the States to have such arrangements but this request has been forwarded to Ohio.

17. The Farmers Home Administration (FmHA) (ARN OH-0059) commented that altering some contours during the reclamation process from the "approximate original contours" would provide better building sites for community housing projects. Sections 1501:13-13-04(A)(1) and 1501:13-13-05(C) in Ohio's proposed regulations provide for variances in the requirement that overburden materials be regraded to the approximate original contour similar to those provided in 30 CFR 785.16. These provisions could be used to create sites suitable for housing.

18. The USDA Forest Service (USFS) (ARN OH-0097) suggested that an MOU be established between the Ohio Division of Reclamation and the Division of Forestry (DOF) for the growing of tree and shrub seedlings for reclamation purposes. It also urged that the DOF be allowed to review all permits that contain reforestation to make sure the seedlings will be available when needed and to ensure that the proper species are planted. Ohio has been notified in a May 19, 1980 (ARN OH-0081), letter that its program submission does not contain a supporting agreement between the DOR and the DOF which may be required under 30 CFR 731.14(f). The State is encouraged to consider this suggestion when preparing any necessary agreement.

19. The USFS (ARN OH-0097) suggested that a recent (within the last 4 years) aerial photo be included with the land use change attachment to assist in the determination of the previous land use. While this suggestion has merit, the Secretary 's regulations do not specifically detail how the determination of previous land use should be made. Such determination methodology is left to the discretion of the State.

20. The USFS (ARN OH-0097) suggested that funds collected for the Abandoned Mine Reclamation Program be used to guarantee tree orders at State nurseries by mining companies. The Secretary's regulations do not require States to have such arrangements. The Secretary notes that funds from the Federal Abandoned Mine Land Fund are not available for reclamation at active mines.

21. The USFS (ARN OH-0097) requested the State to enter into an MOU with the Wayne National Forest to establish responsibilities and procedures should there be coal surface mining on national forest lands. The Division of Reclamation acknowledges (ARN OH-0003 (Vol. I, pages 361-362)) that it currently has a cooperative agreement with the USFS, which includes the Wayne National Forest, that will be retained as part of its permanent regulatory program.

22. The USFS (ARN OH-0097) commented that early release of performance bonds for research areas would encourage reclamation research. This comment is currently being considered together with the USDA-RECLAM petition for an amendment to 30 CFR Part 780 relating to research and demonstration of reclamation technology. This petition has been granted in part. Rulemaking has been initiated to consider appropriate amendments to OSM's regulations. See 45 FR 41166-41169 (June 18, 1980). The Secretary will require State programs to be consistent with any amendments that are adopted.

23. The USFS (ARN OH-0097) commented that the State Forester should have an opportunity to review permit applications and reclamation performance where forest management is a pre or post-mining land use. Ohio has been notified in a May 19, 1980 letter (ARN OH-0081), that its program submission does not contain a supporting agreement with the State Division of Forestry as may be required under the provisions of 30 CFR 731.14(f) of the Federal rules. The DOR is encouraged to consider this comment when preparing any necessary supporting agreement with the Division of Forestry. Also, pursuant to 30 CFR 786.11(c), the regulatory authority is required to notify the Forest Service that a permit request has been received. Ohio has proposed as stringent a rule concerning notification at Section 1501:13-5-01(B).

24. The USFS (ARN OH-0097) and the Soil Conservation Service (SCS) (ARN OH-0100) commented that Ohio's program submittal needs language for reclamation research and demonstration and proposed a new Section (780.28) for inclusion in the State's regulations. The Secretary has received a petition to amend 30 CFR 780 to allow the use of alternative reclamation practices for research or demonstration purposes. This petition was granted in part and rulemaking has been initiated to consider appropriate amendments to OSM's regulations. See comment 22 above. The State's regulations will be required to be consistent with any amendments that might be adopted.

25. SCS (ARN OH-0100) commented that there should be a statement added to Volume IV of the Ohio submission to indicate "the purpose of the hydrologic monitoring and what is going to be done with the data." Since Volume IV of the Ohio submission is not a statute, regulation, or part of the program narrative, the Secretary has no authority to require such a statement.

26. SCS (ARN OH-0100) commented that the intervals for measurement of water quantity and quality specified in sections A.8.a. and A.8.b.iii of Volume IV in the State's program are too long. SCS also suggests that Section G.1 of Volume IV of the Ohio submission is deficient because a measurement of stream stage is not specified. To satisfy the Federal law and regulations, discharge must be evaluated, but Volume IV of the Ohio submission is not a statute, regulation or part of the program narrative and does not require evaluation.

27. SCS (ARN OH-0100) suggests using a maximum stage gauge (crest stage gauge) to monitor discharge. Such a gauge can be used and is not precluded by any part of the Ohio submittal. The Federal rules do not require the state to specify the use of this particular device for monitoring discharge.

28. The Department of Energy (DOE) (ARN OH-0095) commented that the portion of Ohio's program (Vol. I, pages 335-340) submitted in response to 30 CFR 731.14(g)(5) should include procedures for enforcing civil and criminal sanctions. The Secretary agrees with this comment. The charts accompanying this section of the Ohio system submittal indicate that a penalty may not be assessed where a violation has been abated. Such a provision is not consistent with the Secretary's regulations.

29. DOE (ARN OH-0095) also expressed concern that the Ohio submittal in response to 30 CFR 731.14(g)(12) should explain which provisions in the proposed program are subject to restrictions of financial interests. The Secretary has determined that the Ohio proposed program submission does not contain provisions for monitoring, reviewing and enforcing restrictions against direct and indirect financial interests of State employees as required by Federal rules. Ohio does not have the authority under current Ohio laws and regulation because the

necessary law and regulations have not been enacted.

30. DOE (ARN OH–0095) suggested that the State incorporate projections of annual coal production for the years between 1980 and 1985 as part of its submission in response to 30 CFR 731.14(h)(8). The Secretary's regulations require the State to submit such projections only if they are available. Ohio's submittal satisfies this requirement and the development of additional projections of annual coal production is considered to be unnecessary.

31. DOE (ARN OH–0095) suggested that the proposed staffing requirements submitted in response to 30 CFR 731.14(i) include an ecologist, agronomist, hydrologist, geologist, soil scientist and wildlife management professional. Also, too much reliance was thought to be placed on other State agencies and that the DOR would probably function more smoothly if the Division employed the required expertise. The Secretary acknowledges these concerns and, based on information in the record at this time, believes that the state's staff may not adequately reflect the disciplines where expertise is needed on a full-time continuing basis.

32. DOE (ARN OH–0095) argued that the Ohio narrative (Vol. I, pages 510–511) submitted in response to 30 CFR 731.14(j) was not sufficient to show that the proposed staffing level will be adequate to handle the projected workload. The state was informed in a letter dated May 19, 1980 (ARN OH–0081), that a workload-position comparison would help the Secretary to determine whether the projected positions are adequate for the mission.

33. DOE (ARN OH–0095) stated that determination of costs for reviewing permit applications should be addressed as well as how the unused portion of such costs derived from application fees would be utilized. Ohio proposed regulation Section 1501:13–4–01(H) requires a permit fee to accompany the application. The system for assessing fees found in Volume I, pages 272–274, provides a mechanism for returning any excess collected fees. However, based on information in the record at this time, there does not appear to be a mechanism for determining when the assessed fee exceeds the actual cost of reviewing, administering and enforcing the permit.

34. The Mine Safety and Health Administration (MSHA) (ARN OH–0096) commented that the Ohio submittal does not require MSHA approval for discharging water into underground mines as required by 30 CFR 816.55(b)(6)(e) of the Federal regulations. This omission has the apparent effect of giving the Chief of the Division of Reclamation wider latitude in granting variances than is found in the Federal regulation. A letter sent to the State on May 19, 1980 (ARN OH–0081), notified Ohio of this inadequacy.

35. MSHA (ARN OH–0096) commented that MSHA must approve a plan prior to any removal of burning material from a disposal area. Section 1501:13–9–09(E) of the State's regulations requires that coal processing waste fires shall be extinguished in accordance with a plan approved by the Chief and MSHA. Futhermore, only "burned" waste may be removed from a disposal area with approval obtained from the Chief. The proposed Ohio regulation is in agreement with 30 CFR 816.86 and 87.

36. MSHA (ARN OH–0096) noted that when a potential hazard exists in a waste bank, that in addition to compliance with Ohio's regulations mine operators are required to satisfy MSHA's regulation (Part 77.215–3) which includes certification. While this may be the case, the Ohio proposed regulation Section 1501:13–9–09(F), which provides for a plan certified by a qualified engineer, is preliminarily determined consistent with the Secretary's requirement (30 CFR 816.87) and would not have to be revised.

37. MSHA (ARN OH–0096) commented that its guidelines recommended that a 100-year, 6-hour frequency storm be used to design drainage diversions for coal processing waste embankments instead of the 100-year, 24-hour precipitation event prescribed in Ohio regulations. The Secretary's regulations (30 CFR 816.92(b)) also prescribe the 100-year, 24-hour precipitation event, which is a more stringent requirement, and he will require Ohio to adopt a program consistent with what the Federal regulations require. The Secretary notes that the Secretary of Labor, on behalf of MSHA, concurred in the promulgation of 30 CFR 816.92(b) (*See* 44 FR 14908, March 13, 1979).

38. The Environmental Protection Agency (EPA) (ARN OH–0060) and the Department of Energy (DOE) (ARN OH–0095) noted that the State program was incomplete because it did not contain an Attorney General's opinion and a section-by-section legal comparison. The Secretary agrees with the comment and will require these documents to be in the resubmission, as required under 30 CFR 731.14(c).

39. EPA (ARN OH–0060) commented that Ohio's program submittal (Vol. I, pages 180–232) failed to define the coordination system between agencies and the lines of authority and staffing functions within each agency and between agencies as required by 30 CFR 731.14(e). Furthermore, no chart was provided which tied all the State agencies together and there was no distinction drawn between the existing and proposed agency structure. OSM pointed this out to Ohio in a May 19, 1980, letter (ARN OH–0081).

40. EPA (ARN OH–0060) noted that in Ohio's program submittal there was no indication of the difference between existing and proposed staff and suggested that a table be added to illustrate these differences. The Secretary finds that the State does present a table of existing staff (Volume I, page 449) and a discussion of proposed additional staff (Volume I, pages 507–509). See comment 42.

41. EPA (ARN OH–0060) argued that the State has not clearly demonstrated that it has personnel qualified to review reported levels of toxic materials and other pollutants and to determine appropriate permit limits under the Clean Water Act as required under 30 CFR 816.42(a)(7) and 30 CFR 780.18(b)(9). See responses to comments 39 and 40.

42. EPA (ARN OH–0060) also stated that it could not locate the new positions which were referenced in the Ohio submittal in response to 30 CFR 731.14(j). New positions are identified in Vol. I, pages 507–509 in response to 30 CFR 731.14(i) under existing and proposed staff.

43. EPA (ARN OH–0060) suggested that Ohio's submittal (Vol. I, pages 510–511) could be clarified to meet the requirements of 30 CFR 731.14(j) if the State included "best estimate" projections of the number of inspections and permits it anticipates will be conducted and issued, respectively, and what it anticipates by way of legal actions. These comments have been forwarded to Ohio for consideration as additions in its program submittal.

44. EPA (ARN OH–0060) commented that because the DOR plans to use the staff expertise of other agencies it needs to negotiate additional agreements with these agencies to assure timely coordination. Ohio has been notified that it will need to include in its submittal copies of supporting agreements with agencies which will have duties in the program (see letter dated May 19, 1980, ARN OH–0081).

45. EPA (ARN OH–0060) noted that Ohio failed to provide a description of laboratory space as required in 30 CFR 731.14(m) of the Secretary's regulations. The state has been notified of the absence of this information in a letter dated May 19, 1980 (ARN OH–0081).

46. EPA (ARN OH-0103) commented that the executive order designating the Ohio Department of Natural Resources, Division of Reclamation, as the appropriate regulatory authority to implement, administer, and enforce the state program expired on June 30, 1980. On May 7, 1980, the Governor of Ohio amended his executive order designating the Ohio Department of Natural Resources, Division of Reclamation, as the regulatory authority until June 30, 1981 (ARN OH-0123).

47. EPA (ARN OH-0103) commented that there was insufficient information provided on the proposed agreement between the Ohio Environmental Protection Agency (OEPA) and the Division of Reclamation (DOR) to determine its adequacy. The state has been notified in a letter dated May 19, 1980 (ARN OH-0081), that its program must contain copies of supporting agreements with agencies with duties in the State program as required by 30 CFR 731.14(f).

48. EPA (ARN OH-0103) commented that the extent of public participation in inspecting and monitoring coal exploration and surface coal mining was unclear. Action by the public appeared to be limited to filing complaints. A letter dated May 19, 1980 (ARN OH-0081), from OSM to the state pointed out that there were ambiguities concerning citizen participation which need clarification.

49. EPA (ARN OH-0103) was concerned with the lack of clarity in its system as required by 30 CFR 731.14(g)(9) on how the State Division of Reclamation would coordinate issuance of permits with other State, Federal and local agencies. In a letter of May 19, 1980 (ARN OH-0081), the Secretary requested clarification of the discussion of this matter found at Vol. I, pp. 361-362. However, Ohio's proposed rule 1501:13-5-01(B) does correspond to 30 CFR 786.11 regarding notification of governmental agencies.

50. EPA (ARN OH-0103) commented that it was not clear how the DOR will consult with appropriate agencies on environmental values as required by 30 CFR 731.14(g)(10). The Ohio submittal (Volume I, pages 363-368) meets at least minimal requirements, although additional clarification would be helpful. The submittal does list agencies that will be consulted and provides for consideration of comments received and coordination to resolve the problem.

51. EPA (ARN OH-0103) commented that the Ohio program submittal (Section 1501:13-9-04(D)) does not itemize standards and effluent limitations as set forth in 30 CFR 816.42(a) (5), (6), and (7). The Secretary believes that Ohio's alternative, which provides for the Chief to determine and specify the maximum levels of pollutants that may be discharged, would be an unsatisfactory alternative to the statement of specific standards because the Chief would have the authority to authorize the discharge of pollutants in excess of the Federal minimum standards.

52. EPA (ARN OH-0103) commented that the Ohio program submittal contains numerous departures from the requirements in 30 CFR 816.42 of the Federal regulations concerning water quality standards and effluent limitations. The Secretary agrees with this comment. A letter of May 19, 1980 (ARN OH-0081), calls Ohio's attention to this concern.

53. EPA (ARN OH-0103) commented that the Ohio program submittal does not provide requirements for temporary storage of acid-forming and toxic-forming spoil as required by 30 CFR 816.48(c). A letter dated May 19, 1980 (ARN OH-0081), called Ohio's attention to this inadequacy.

54. EPA (ARN OH-0103) commented that the Ohio program submittal did not contain a regulation similar to 30 CFR 817.50 concerning underground mine entry and access discharges. A letter dated May 19, 1980 (ARN OH-0081), was sent to Ohio calling attention to this omission.

55. EPA (ARN OH-0103) commented that the Ohio program submittal did not enumerate conditions for approval of discharges into underground mines as required by 30 CFR 816.55. A letter dated May 19, 1980 (ARN OH-0081), called this problem to Ohio's attention.

56. EPA (ARN OH-0103) commented that no regulation in Ohio's program submittal was equivalent to 30 CFR 822.12(c) which pertains to the protection of farming and water supplies on alluvial valley floors. 30 CFR 822.12 states that all of 30 CFR Part 822 applies to "arid and semi-arid regions of the country." 30 CFR 701.5 defines arid and semi-arid areas as "west of the 100th meridian, west longitude." Because Ohio lies east of that meridian, 30 CFR Part 822 is not applicable.

57. EPA (ARN OH-0103) commented that the Ohio submittal omits an equivalent to 30 CFR 816.50 which sets standards for ground water protection. A letter dated May 19, 1980 (ARN OH-0081), notes this omission to Ohio.

58. EPA (ARN OH-0103) noted that the Ohio regulations on stream channel diversions, Sections 1501:13-9-04(F) and 1501:13-12-04(F), were substantially different from the corresponding Federal regulations, 30 CFR 816.44 and 817.44. These differences were brought to the state's attention in a letter dated May 19, 1980 (ARN OH-0081).

59. EPA (ARN OH-0103) noted that an equivalent to 30 CFR 816.45(a)(2) concerning meeting the more stringent of applicable State or Federal effluent limitations is not present in the Ohio regulations. This omission was brought to Ohio's attention in a letter dated May 19, 1980 (ARN OH-0081).

60. EPA (ARN OH-0103) requested clarification of a 25-year precipitation event versus a 10-year event as presented in Sections 1501:13-9-04(G)(4) and (5) of the Ohio regulations. The referenced Ohio sections closely parallel 30 CFR 816.46(i) which also specifies the 25-year event for spillway design. Therefore, the Secretary does not believe that additional clarification is necessary.

61. EPA (ARN OH-0103) commented that Ohio regulations contain no requirement for detention time for sedimentation ponds as provided in 30 CFR 817.46(c). Although portions of this subsection have been suspended, the Secretary agrees that a state must require that ponds contain or treat water inflow or runoff entering the pond from a 10-year 24-hour precipitation event, to qualify for exemption from the numerical effluent limitations.

62. EPA (ARN OH-0103) commented that Section 1501:13-09-04(F)(3) of the Ohio regulations regarding stream buffer zones was substantially different from 30 CFR 816.57, and, in its opinion, was inadequate. The apparent inadequace of this section was brought to the State's attention in a letter dated May 19, 1980 (ARN OH-0081).

63. A commenter from the Agronomy Department (ARN OH-0098) at the Ohio State University (OSU) recommended that the State designate an upper limit of 2 mm on rock fragments that could be included in the redistributed topsoil in order to ensure that soil productivity is consistent with the approved postmining land use. The Secretary's regulations do not require the states to have such limits and he will not require a state to do more than the Federal regulations require.

64. The commenter (ARN OH-0098) from OSU suggested that Section 1501:13-9-03 of the State's regulations require the application of nitrogen in accordance with recommendations in the Ohio Agronomy Guide or other sources of similar information. Ohio's proposed regulations are in conformance with the Federal regulations (30 CFR 816.25) since they require nutrients and soil amendments in the amounts determined by soil tests to be applied to the redistributed soil surface layer. The comment has,

however, been provided to the State for its consideration.

65. OSU (ARN OH–0098) also commented that there were no suggestions as to how many soil tests should be taken. Federal and state regulations do not specify the number of soil tests that must be taken because this should be determined by the mine operator or the regulatory authority (30 CFR 816.25) on a site by site basis.

66. OSU (ARN OH–0098) suggested that the method to be used in determing bulk density should be specified in Section 1501:13–13–03 of the State's regulations. Also, the tolerance of 0.1 gm/cc was viewed as being too low. 30 CFR 785.17(b) has been suspended insofar as it establishes the moist bulk density standard for prime farmland compaction and the Secretary cannot require any specific standard at present.

67. OSU (ARN OH–098) stated that there was no indication as to whether the determination of soil properties (i.e., thickness of A and B horizons) would be initially done by a qualified soil scientist. The Secretary's regulations do not specify the qualifications of individuals who may make soil property determinations, and consequently, the State is not required to establish qualifications.

68. A commenter from the geology Department at Mount Union College (ARN OH–0138) noted that the lateral variability of coal bearing rocks makes requirements for obtaining detailed information regarding the specific nature of aquifers and/or for development of predicitive modeling for the hydrologic balance of ground water for a given area of questionable validity for Ohio. The commenter's appreciation for the stratographic variability of the coal measures in Ohio is correct; his conclusion as to the validity of information gathered in the mine plan area, the adjacent area, and the general area as specified in Section 1501:13–4–03(C) is not. First, it is not necessary that modeling be done. 30 CFR 799.13(c) uses "may" not "shall" in conjunction with modeling. Second, the idea that "interpretations of the results of such studies will be meaningless" is not shared by the Secretary. When analysis of adequate data is applied to a localized area the hydrologic consequences of mining can be judged in a qualitative sense with assurance and in a quantitative sense with some degree of accuracy even in stratographically variable materials. See the literature cited in the preamble section of the Federal regulations (44 FR 15031, March 13, 1979).

69. A comment (ARN OH–0138) that "much of the criticism of, and requirements for revision of the hydrologic-geologic reports and monitoring plans submitted to ODNR are inconsistent and, in many cases, pertain to non-substantive matters" was received. It would seem that this comment expresses concerns that should be addressed to the Ohio Department of Natural Resources and does not require program changes.

70. A commenter (ARN OH–0140) from the Ohio Mining and Reclamation Association expressed the opinion that the proposed budget for operating the Division of reclamation was excessive, especially in the personal service category which included the inspection and enforcement staff. The Secretary does not believe that the Ohio Proposal was excessive because Ohio requires a budget that adequately reflects the additional enforcement and other responsibilities that must be satisfied under SMCRA.

71. A commenter (ARN OH–0140) expressed the opinion that there was no "state window" whereby the State could request approval for alternatives to provisions in the Federal rules. Standards and procedures for approval of alternatives to provisions in the Federal rules are provided in 30 CFR 731.13. Ohio chose not to submit any alternatives under this provision; however, the opportunity to do so during the resubmittal process remains for the State.

72. A commenter (ARN OH–0140) said that the proposed Ohio program was overly restrictive and contained provisions which went beyond the scope of the minimum requirements provided by SMCRA. More specifically, the commenter mentioned the hydrology and blasting provisions and the limits placed on the administrative officers' discretionary power. The State's law and regulations must satisfy the minimum requirements provided for in SMCRA and the Federal rules. Ohio can adopt more stringent provisions if it finds that they are necessary and desirable and it elects to do so. (See Section 505(b) of SMCRA.)

73. One commenter (ARN OH–0140) expressed opposition to the steps that are necessary to obtain approval for a land use change when the change involves switching from one agricultural use to another. He proposed that cropland, pastureland, and forestry be grouped together into one land use category called agricultural use. He viewed this arrangement preferable because it would encourage sound land management by eliminating the need for obtaining approval for land use changes. The land use categories contained in Section 1501:13–9–17 of the proposed Ohio regulations appear with some exceptions equivalent to the categories set forth in 30 CFR 701.5. The Secretary believes that the commenter's suggested land use category arrangement is not necessary and, if implemented, would cause the Ohio regulations to be inconsistent with the Federal rules. Further, a blanket implementation of the recommendations of this commenter would likely impair the ability of the regulatory authority to implement prime farmland standards.

74. One commenter (ARN OH–0141) from the Holmes Limestone Company suggested that the State's proposed regulations specify criteria which could be applied by the Chief to distinguish a cemetery from a private burial ground. The commenter recommended the following items as possible criteria: (1) the presence or absence of a formal legal dedication; (2) the particular religious persuasion or social sect of the persons buried at the site; (3) the disposition of the landowner in regard to a waiver of State regulations that limit mining within 100 feet of cemeteries; and (4) the public or private nature of the burial site, to be determined by what authority directs and controls burials and whether there is access to the site by the general public. The Federal rule (30 CFR 761.5) defines cemetery as any area of land where human bodies are interred. No distinction is made between a cemetery and a private burial ground. The Secretary believes that criteria distinguishing between a cemetery and private burial ground are unnecessary and their incorporation into proposed State regulations would cause them to be inconsistent with Federal rules. The Secretary notes that this issue is currently in litigation involving this commenter and the Secretary (Case No. IBSMA 80–42).

75. A commenter (ARN OH–0146) stated Sections 27.36, 57.34, 62.07, 63.24 and 66.07 of the proposed Ohio law appeared in conflict with SMCRA because these sections would permit either engineers or registered land surveyors to make certification. Certification under SMCRA is to be performed by registered professional engineers. The sections that the commenter referenced are proposed amendments to the proposed Ohio law that were not included as part of the submitted State program and therefore have not been considered by the Secretary in his decision.

F. Secretary's Decision

Based on the findings discussed above, the Secretary is disapproving the Ohio program in whole. Because the program is disapproved, the permanent

program under SMCRA is not in effect in Ohio. The interim program will continue on all lands in Ohio until Ohio has, within sixty days from the date of the publication of this notice, resubmitted its program and the Secretary has approved it. If the resubmitted program is approved, Ohio will assume primary jurisdiction for implementing and enforcing the permanent program on non-Indian and non-Federal lands within its borders. If the resubmitted program is not approved, the Secretary will implement a Federal program in Ohio and the Department of the Interior will have responsibility under SMCRA for the regulation of coal mining in Ohio.

G. Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 USC 1292(d), no environmental impact statement need be prepared on this disapproval in whole.

The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this disapproval in whole.

Dated: September 25, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80-30421 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 950

Surface Coal Mining and Reclamation Operations on Federal Lands under the Permanent Program; State-Federal Cooperative Agreements; Wyoming

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of proposed rulemaking, public hearing and extension of public comment period on Wyoming Cooperative agreement.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) previously published notice of its intent to propose rulemaking to adopt a cooperative agreement between the Department of the Interior and the State of Wyoming for the regulation of surface coal mining operations on Federal lands in Wyoming under the permanent regulatory program. 45 FR 45927–31, July 8, 1980. Such a cooperative agreement is provided for in Section 523(c) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1273(c). This notice of proposed rulemaking provides additional information on the proposed terms of the cooperative agreement and other issues which have arisen during the rulemaking. This notice also announces the date and location of the public hearing on the proposed cooperative agreement, as required under 30 CFR 745.11(d), and extends the comment period in this rulemaking from September 8, 1980, to November 7, 1980.

DATES: The public comment period on this proposed rule will extend until November 7, 1980. The public hearing will be held on October 30, 1980, beginning at 7:00 p.m. Representatives of OSM will be available to meet with interested persons during office hours upon request between the date of this notice and November 7, 1980. Additional information on addresses and persons to contact appears below.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, U.S. Department of the Interior, Division of Federal Programs, Room 202, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

Summaries of meetings, whether in person or by telephone, will be prepared and made available for public review in the Administrative Record Room, Room 153, Interior South Building. All public comments received and a transcript of the public hearing will also be available for inspection at this address.

The public hearing will be held on October 30, 1980, beginning at 7:00 p.m. at the Little America Motel, American Room, Junction of Interstate Highways I-25 and I-80, Cheyenne, Wyoming.

Copies of the proposed agreement and of the related information required under 30 CFR Part 745 are available for inspection Monday through Friday, 8 a.m. to 4 p.m., excluding holidays, at the following addresses:

Wyoming Land Quality Division, Department of Environmental Quality, Hathaway Building, Cheyenne, Wyoming 82002.

Land Quality Division, 933 Main Street, Lander, Wyoming 82520.

Land Quality Division, 30 East Grinnel Street, Sheridan, Wyoming 82801.

Region V, Office of Surface Mining, U.S. Departmentof the Interior, Brooks Tower, 1020 15th Street, Denver, Colorado 80201.

Office of Surface Mining (Headquarters), Room 153, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Donald T. Maurer, Chief, Division of Federal Programs, Room 202, South Building, 1951 Constitution Ave., Washington, D.C., 202-343-5335.

Donald A. Crane, Regional Director, OSM, Region V, Brooks Tower, 1020 15th Street, Denver, Colorado, 303-837-5511.

SUPPLEMENTARY INFORMATION:

I. Background

Much of the background information on this rulemaking appears in the prior **Federal Register** notice published on July 8, 1980. 45 FR 45927–31. The purpose of this rulemaking is to adopt a cooperative agreement between the Department and the State of Wyoming for the purpose of giving Wyoming a role in the administration of the permanent regulatory program on Federal lands in that State. The agreement may be adopted only after the Secretary of the Interior approves Wyoming's permanent regulatory program for non-federal and non-Indian lands. Section 523(c) of the Surface Mining Act provides for the State and the Secretary to enter into a cooperative agreement if certain findings are made and if the proposed Wyoming State program is approved by the Secretary. See discussion of Section 523(c) and the status of the Wyoming State Program at 45 FR 45928, July 8, 1980, and 45 FR 49597–99, July 25, 1980.

In entering into a permanent program cooperative agreement with the State of Wyoming, the Secretary will be implementing two other requirements of Section 523 of the Act. These statutory requirements are (1) consideration of the diverse and unique characteristics of Federal lands in Wyoming, and (2) incorporation of the requirements of the approved State program into the Federal lands program in Wyoming. See 30 U.S.C. 1273(a).

Public Comment Period

The public comment period on this proposed rule will end November 7, 1980. Readers should note that this notice extends the September 8, 1980, deadline given in the July 8, 1980, notice (45 FR 45927).

All written comments must be received by 4:30 p.m. on that date at OSM Headquarters, Division of Federal Programs, at the address listed above. Comments received after that hour will not be considered or included in the administrative record of this rulemaking. OSM cannot ensure that written comments received or delivered during the comment period to locations other than that specified above will be considered and included in the administrative record.

Availability of Copies

Copies of the proposed permanent program cooperative agreement and of the related information provided by the

State of Wyoming are available for inspection at the locations listed under "ADDRESSES" above. Copies of all written comments received and of the transcript of the public hearing will be available for inspection at OSM Headquarters, Administrative Record Room, at the address listed above.

Public Hearing

A public hearing on the proposed cooperative agreement will be held on October 30, 1980, to hear all those who wish to testify. The hearing will be held in Cheyenne, Wyoming at the address listed above and will begin at 7:00 p.m., local time.

Persons wishing to testify at the public hearing should contact either of the officials listed under the heading "For Further Information Contact" on or before October 22, 1980, to be scheduled to speak. Individual testimony will be limited to 15 minutes. The hearings will be transcribed by a court reporter. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearings would greatly assist OSM officials who will attend the hearings by providing an opportunity to consider appropriate questions which could be asked fo clarification or to request more specific information from the person testifying.

The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to speak will be heard following the scheduled speakers. Persons not scheduled to testify but wishing to do so assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Public Meetings Generally

Representatives of OSM will be available to meet between the date of this notice and November 7, 1980, at the request of members of the public and industry and other organizations to receive their recommendations and comments concerning the proposed cooperative agreement. Persons to contact to schedule or attend such meetings are as follows:

Donald Crane, Regional Director, Office of Surface Mining, U.S. Department of the Interior, Brooks Tower, 1020 15th Street, Denver, Colorado 80201, 303-837-5511.

Donald Maurer, Chief, Division of Federal Programs, Office of Surface Mining (Headquarters), U.S. Department of the Interior, Room 202, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, 202-343-5335.

OSM representatives will be available for these meetings between 9 a.m. and 4 p.m. local time, Monday through Friday, excluding holidays. All such meetings will be open to the public and notices of such meetings will be publicly posted in advance as to the location of the meeting. A written summary of the meetings will be made a part of the administrative record of this rulemaking.

Contacts with State Representatives

The Department has previously announced (45 FR 45928, July 8, 1980) its intention to follow the "Guidelines for Contacts With Employees and Officials During Consideration of State Permanent Regulatory Programs" published at 44 FR 54444-45, September 18, 1979. As written, the guidelines apply only to the State program review and decision process. However, the Department believes that the guidelines should also be applied in the development of State-Federal permanent program cooperative agreements. The need to preserve the ability of the Department and the States to work together through the stages of the cooperative agreement and the right of the public to be informed and have the opportunity to comment meaningfully on issues raised are principles equally applicable to permanent program cooperative agreements.

This decision requires that minor changes in the guidelines be made to clarify their applicability to cooperative agreement rulemakings. Accordingly, revised guidelines for contacts with Departmental employees and officials during permanent program cooperative agreement rulemakings are given below. See the notice of September 19, 1979, 44 FR 54444-45, for a full discussion of the guidelines and supporting principles. The September 19, 1979 guidelines remain fully applicable to the state program review process.

1. Upon request the Department will meet with any public representatives—citizens, environmental groups, industry—through the end of the public comment period. Notices of scheduled meetings shall be posted in a public place. The meetings will be open.

2. The Department will meet with State representatives or have telephone conversations with them, upon the initiative of either party, up to the point of the Secretary's decision to enter into a permanent program cooperative agreement with a State. Through the end of the public comment period, the meetings will be open unless an OSM or Departmental official decides to hold an executive session. Advance notice of scheduled meetings will be posted in a public place. Both before and after the end of the public comment period, some meetings may be in executive session. Notice of executive sessions will be posted.

3. The Department shall keep a summary record of all discussions and meetings whether in person or by telephone on a proposed cooperative agreement. This record shall include a summary of the discussions and a list of all written information that OSM receives. All such records along with all written communications relating to the cooperative agreement shall be made available to the public.

4. In those instances where the Department has conducted meetings or discussions with a State after the close of the public comment period, the Department will include a summary of the meeting and, if necessary to assure an effective opportunity for public participation, provide an opportunity for the public to review the record of such meetings and discussions and to comment on them before a decision is made to enter into a permanent program cooperative.

Public Comments

Written and oral comments should be as specific as possible. Although all comments are invited, those most likely to influence decisions on the cooperative agreement will be those which are supported by facts (as opposed to opinions), case law or legislative history.

Statements of Significance and Environmental Impact

The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 (March 23, 1978) and 43 CFR Part 14. A copy of this determination is available in the Administrative Record of this rulemaking.

Pursuant to Section 702(d) of the Surface Mining Act, proceedings relating to the adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program and are therefore exempt from the requirement to prepare a detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

II. The State of Wyoming's Application

Section 745.11(b) (1) through (8) of OSM's regulations (30 CFR 745.11(b) (1)

through (8)) require that certain information shall be submitted with a request for a permanent program cooperative agreement except to the extent that information has previously been included in the State program. Wyoming submitted an initial draft of a proposed cooperative agreement and the other information required by 30 CFR 745.11(b)(1) as Part Q of the Wyoming program on August 13, 1979.

Information relating to the budget, staffing, organization and duties of the State regulatory authority (Land Quality Division, Wyoming Department of Environmental Quality) was described as appearing in Parts B, E, F, I, J, L and O of the State program. See 30 CFR 745.11(b) (1), (2), (4), (5), and (6). A written certification from the Attorney General was also included. See 30 CFR 745.11(b)(8). The Attorney General concluded that "no State statutory, regulatory or other legal constraint exists which would limit the capability of the Department of Environmental Quality to fully comply with Section 523(c) of Pub. L. 95–87, as implemented by 30 CFR 745." With respect to the best available figures on comparison of federal and non-Federal acres of mineable coal and the number of federal, non-federal and mixed estate mining operations in the State (30 CFR 745.11(b)(3)), Wyoming referred to Part H of the State program submittal. Part H contains the statistical information on coal exploration and surface coal mining operations in the State as required by 30 CFR 731.14(h). Included in Part H are listings of existing permits, acreage and production figures, a listing of proposed or contemplated mines, a table of production from federal and non-federal mines, and a map of all existing permitted mines in the State of Wyoming.

III. The Text of the Proposed Agreement

Since Wyoming submitted the initial draft of a proposed permanent program cooperative agreement on August 13, 1979, several revisions of the original draft have occurred based on discussions between representatives of Wyoming and the Department of the Interior. These revisions are available for inspection in the Administrative Record Room, Room 153, Interior South Building, Washington, D.C. The terms of the revised proposed agreement submitted by the State of Wyoming on June 4, 1980 are summarized below and the full text of the June 4, 1980, was published at 45 FR 45929–31, July 8, 1980. Previous versions of the proposed agreement will be discussed to the extent necessary to highlight issues and to discuss public comment. Comparisons are also made to the existing interim program cooperative agreement with Wyoming, 30 CFR 211.77(a).

In addition, a meeting was held in Denver, Colorado on August 21, 1980, to discuss further possible changes in the agreement. A copy of the notes of that meeting is available in the administrative record as is a copy of the changes proposed at the meeting. The major significant item introduced at that meeting was the concept; of using a conference between OSM and Wyoming within 60 days of mine plan receipt to plan how work was to be divided between the two agencies. No change was made in the emphasis on eliminating duplication by relying on State work products. In addition, the discussions also focused on how the public participation requirements of OSM and the State should be coordinated. Commentors should consider these issue in their comments.

Article I: Introduction and Purpose

This article sets forth the legal authority for the cooperative agreement, Section 523 of the Surface Mining Act. 30 U.S.C. § 1273. The purposes of a permanent program cooperative agreement are also listed.

Article II: Effective Date

This proposed effective date provision was taken from an earlier draft of the agreement, and does not reflect the procedural requirements of 30 CFR 745.11 (c) through (g). The Department requests comments on the appropriate language for an effective date provision. Readers should note that the existing Wyoming interim program cooperative agreement states that the agreement "is effective upon signing by the Secretary and the Governor and upon publication as rulemaking in the **Federal Register**, and shall remain in effect until terminated as provided in Article IX." 30 CFR 211.77(a), Article II.

Article III: Scope

Article III provides that the laws, regulations, terms and conditions of Wyoming's State program are applicable to Federal lands in Wyoming, except as otherwise stated in the agreement. The effect of this provision is to adopt the Wyoming program as substantive federal law enforceable by Wyoming and the United States. This provision also specifically implements Section 523(a) of the Surface Mining Act, which provides that "[w]here Federal lands in a State with an approved State program are involved, the Federal lands program, shall, at a minimum, include the requirements of the approved State program." 30 U.S.C. 1273(a).

The existing Wyoming interim program cooperative agreement accomplishes this result in an appendix which identifies the laws, regulations and procedures of the State which are incorporated into the agreement. See 30 CFR 211.77(a), Appendix A. The Department requests comments on whether a similar appendix should be prepared for the permanent program cooperative agreement. See 30 CFR 745.12(a).

Article IV: Policies and Procedures: Mine Plan Review

This article designates the State as primarily responsible for the review and analysis of mining and reclamation plans. This article also recognizes the statutory limitations which provide that the Secretary may not delegate certain responsibilities to the State. Additional information on authority reserved to the Secretary appears below in the discussion of Article XVI. The Office invites comments on whether use of the term "mining and reclamation plan" is appropriate. See 30 CFR 741.12.

Article IV further provides that the Department is primarily responsible for coordination of the various State and federal agencies involved in review and analysis of plans. See 30 CFR 745.12(e) and discussion of Article VII below.

This article also recognizes that personnel and budget restrictions may limit the State's ability to review and analyze plans. Previous drafts of this article have included the concept of Wyoming and the Department developing a Memorandum of Understanding which would detail the phased transfer of responsibility for mine plan reviews from OSM to the State. The concept of such a Memorandum of Understanding (MOU) is not necessarily precluded by the language contained in Article IV. Comments are invited on whether such an MOU is appropriate and what the terms of an MOU might be.

Article V: Funding

Section 705(c) of the Surface Mining Act provides that cooperative agreement States may receive an increase in their annual grant for the development, administration and enforcement of State programs by an amount which the Secretary determines is approximately equal to the amount the Federal Government would have expended to regulate surface coal mining and reclamation operations on Federal lands. See 30 U.S.C. 1295(c). The regulations implementing Section 705(c) appear at 30 CFR 735.16 through 735.26. Article V would require that Wyoming devote adequate funds to the

administration and enforcement of the agreement as required by 30 CFR 745.12(d). It further provides that Wyoming may be reimbursed pursuant to Section 705(c) of the Surface Mining Act if the agreement has been implemented to the satisfaction of the Department and if necessary funds have been appropriated.

Article VI: Reports, Records and Fees

This article provides for periodic reports by the State to the Department containing information on implementation, administration and enforcement of the agreement. Regular reports are required by 30 CFR 745.12(c).

Article VI also proposes that the fee accompanying a permit application shall be determined in accordance with the cooperative agreement, and that total fees collected shall be reported in the annual Financial Status Report required in the cooperative agreement grant regulations, 30 CFR 735.26. Additional information on permit application fees is contained immediately below in the discussion of Article VII: Mining and Reclamation Plans.

Article VII: Mining and Reclamation Plans

Article VII creates procedures for cooperative review and decisions on mining and reclamation plans for surface coal mining and reclamation operations on federal lands or on commingled State, private and Federal lands. It also sets the amount of permit application fees and reserves the right of the Department to impose additional conditions or requirements as authorized by 30 U.S.C. 1292(b) and other laws.

Briefly, the steps for a decision on a plan are as follows:

a. The operator files identical applications with the State and the Department. The application must contain all information required by the approved State program as well as the additional information required by Departmental statutory obligations other than the Surface Mining Act. Article VII(ii)(a).

b. Formal review of the application will commence when both the State regulatory authority and the Department have certified that the application is reviewable. A decision must be made within one year of the certification. Article VII(11)(b).

Providing for a period within which the respective technical staffs can conduct a preliminary review of the application is consistent with the completeness review conducted by Federal agencies under 30 CFR Part 211 and Part G Wyoming's State program. Part G is discussed at Finding 14 of the Secretary's partial approval of the Wyoming program. See 45 FR 20954–56, March 31, 1980. The Memorandum of Understanding among OSM, the Bureau of Land Management and the Geological Survey describes in detail the completeness review undertaken by these agencies under 30 CFR Part 211. That Memorandum of Understanding was made available to the public on December 5, 1979, (44 FR 70009). Commenters are encouraged to read these documents in connection with evaluating this article of the proposed agreement.

c. The operator submits additional information as necessary. Article VII(14).

d. The State regulatory authority makes a decision and its decision is submitted to the Department for its review. Article VII(15).

e. The Department notifies Wyoming of the proposed Departmental action on the application and the parties consult for purposes of agreeing on the final actions to be taken. The final action must be concurrent and acceptable to both parties. An application which is not in compliance with the applicable laws and regulations cannot be approved. Article VII (16) and (17).

f. A failure to agree is referred to the Secretary of the Interior and the Governor of Wyoming for resolution. Article VII(18).

With respect to the permit application fee, Article VII(12)(a) proposes a minimum fee of $100.00 plus $10.00 per acre in the requested permit area, not to exceed $2,000.00 for any single permit application. This proposed fee is identical to Wyomings's State system for assessing fees as found in Part 6.2 of the State program submittal. The Department notes that Section 523(a) of the Surface Mining Act requires adoption of Wyoming's state fee system as a minimum requirement, and that the fee systems for Federal programs (and the Federal lands program in a State without a cooperative agreement) may ultimately differ based on the Department's need to recover the actual or anticipated cost of reviewing, administering and enforcing permit applications.

Article VII also establishes certain contact points for reviewing an application. The State regulatory authority is the sole contact (Article VII (14)) with an operator, and the Department is to name a person as its primary representative for contact with the State regulatory authority on each application. Comments are requested on whether these proposed contact points are sufficient for purposes of the Departmental coordination required in Article IV(6) and for timely and efficient review of plans as required by the proposed agreement.

Wyoming's State program submittal does not directly address the contents of a decision package on an application, but sets forth the procedures for permit decisions under Section 510 of the Act. However, the availability of, and procedures for, administrative and judicial review are described in Part G.15 of the Wyoming program as being "on the record." Additional information on Wyoming's mine plan review process under the permanent regulatory program is contained in a memorandum and attachments dated July 28, 1980, from W. C. Ackerman, Administrator, Wyoming Land Quality Division, to Robert Uram, Associate Solicitor, Division of Surface Mining.

A copy of these materials is contained in the administrative record of this rulemaking.

Under the initial Federal lands program (30 CFR Part 211), OSM prepares a mine plan recommendation package which typically consists of a technical analysis, environmental assessment (and/or an environmental impact statement), proposed stipulations and other documents (e.g., regional recommendation, comment letters, concurrence letters). See, for example, 45 FR 37743, June 4, 1980, announcing the notice of pending decision and availability of documents for the Buckskin Mine, Campbell County, Wyoming. These documents constitute "the record" upon which the Secretarial official makes a decision on the mine plan pursuant to Section 523(c) of the Surface Mining Act.

The proposed cooperative agreement does not specify the form and context of the State or Department decision on an application except to state that the proposed Departmental action shall include any "proposed conditions and stipulations." Article VII(16); See also Article VII(15).

Comments are specifically requested on the issue of potential duplication of review and on the issue of what information should constitute the record for the State and federal government's decision on an application to mine on Federal lands, and the extent of the Department's authority to rely on work performed by the State to satisfy its statutory duties.

Article VIII: Inspections

This article specifies that Wyoming will conduct inspections on federal lands and prepare reports on such inspections in accordance with Wyoming's approved program. Part G.4

of the State program contains a description of Wyoming's inspections, and Wyoming's inspection and monitoring system is further described in Finding 17 of the partial approval of Wyoming's program, 45 FR 20967–68. An additional reporting requirement found in paragraph 21 of proposed Article VIII is essentially identical to Article V, paragraph B of the existing interim program cooperative agreement. 30 CFR 211.77(a).

Administrative provisions of this article include designation of the State as the principal point of contact, a provision for reasonable notice to the State prior to a federal inspection, and coordination of State and federal representatives as witnesses in enforcement actions as necessary.

The obligations of Federal and State agencies to conduct inspections for purposes outside the proposed cooperative agreement are preserved by paragraph 22 of proposed Article VIII. In particular, this Article preserves the Department's obligation to conduct inspections pursuant to 30 CFR 842 and 743. Inspections not delegated to Wyoming under 30 CFR 743 would be limited to those described in 30 CFR 743.4 (a), (c) and (d).

Article IX: Enforcement

Proposed Article IX sets forth the enforcement obligations of the parties. Wyoming is designated as the primary enforcement authority on Federal lands for compliance with the requirements of the cooperative agreement and the approved State program. Part G.5 of the program submission discusses Wyoming's enforcement system. See also Findings 19 and 20 of the **Federal Register** notice announcing partial approval of Wyoming's program, 45 FR 20970–73.

This article also specifies that the parties will consult prior to deciding to revoke or suspend a permit, and that the Department may take enforcement action under 30 CFR 843 and 845 where the parties fail to agree regarding the necessity of any particular enforcement action. As in Article VIII, the Department's obligation to enforce violations of federal law other than the Surface Mining Act is preserved.

Article X: Bonds

This Article creates requirements for joint Federal and State approval and release of performance bonds for surface coal mining and reclamation operations on Federal lands in accordance with the procedures and requirements of the approved State program and federal law. Wyoming's system of bonds and liability insurance or other equivalent guarantees is generally described in Part G.3 of Wyoming's program submittal and is discussed in detail in Finding 18 of the partial approval **Federal Register** notice, 45 FR 20968–70, March 31, 1980. Special requirements of the Mineral Leasing Act and other federal laws appear at 30 CFR Part 742 and 43 CFR Part 3504.

Article XI: Termination of Cooperative Agreement

Proposed Article XI sets forth the conditions under which the cooperative agreement may be terminated. The provisions of this article are very similar to the regulations on termination of permanent program cooperative agreements in 30 CFR 745.15 with two exceptions. This article does not include 30 CFR 745.15(b)(2) relating to failure of the State to comply with undertakings which form the basis for approval of the State program, grant or cooperative agreement. In addition, 30 CFR 745.15(c)(2) is omitted from this article. Comments are requested on whether or how the agreement should address these regulations.

Article XII: Reinstatement of Cooperative Agreement

This article provides that a cooperative agreement which has been terminated may be reinstated upon application by the State, after a showing to the Department that the State has remedied the defect which caused termination and that the State will comply with all requirements of the cooperative agreement. This proposed language is almost identical to the reinstatement article of Wyoming's interim program cooperative agreement. 30 CFR 211.77(a), Article X. The regulations on reinstatement of permanent cooperative agreements appear at 30 CFR 745.16.

Article XIII: Amendments of Cooperative Agreement

Proposed Article XIII describes the procedures for the parties to agree or disagree on amendments to the cooperative agreement. Pursuant to 30 CFR 745.14, this article specifies that any amendment may be adopted or rejected only after the notice and comment rulemaking procedures of 30 CFR 745.11 have occurred.

Article XIV: Changes in State or Federal Standards

This proposed article states that the Department or the State of Wyoming may, from time to time, promulgate new or revised performance standards, reclamation requirements, or enforcement and administration procedures. For those changes which require rulemaking, each party is to have a minimum of six months. Wyoming will have a longer time (until the close of the next regular legislative session) within which to make changes which require legislative authorization. Compliance with this article will require that the parties provide to each other copies of the law, regulation or standard which causes the need for a rulemaking or legislative change, as required in 30 CFR 745.12(d).

Article XV: Changes in Personnel and Organization

As required by 30 CFR 745.12(d), this article requires the parties to report to each other any substantial changes in funding, staffing, structure or other changes which would affect the administration and enforcement of the cooperative agreement.

Article XVI: Reservation of Authority

Proposed Article XVI is mandated by the Surface Mining Act. 30 CFR 745.13 and other authorities. It makes clear that certain responsibilities of the Secretary may not be delegated to the State, and that the cooperative agreement shall not be construed as waiving or preventing the assertion of any rights not expressly addressed in the agreement or available to the parties under the authorities cited in the proposed article.

Pursuant to 30 CFR 745.13 and the terms of this article, the Secretary reserves authority and responsibility for several Mineral Leasing Act functions, *e.g.*, evaluation of coal resources, release of lease bonds and surface owner consent determinations. The Secretary also reserves the authority and responsibility for several specific functions which are an integral part of the cooperative mining and reclamation plan review procedures discussed above under Article VII. These items include compliance with the National Environmental Policy Act, 42 U.S.C. 4332 *et seq.* (NEPA), compliance with the consultation requirements of the Endangered Species Act and Section 106 of the Natonal Historic Preservation Act, and the approval of any mining plan on federal lands or major modification thereof.

Compliance With NEPA

The Department and its member offices and bureaus must comply with NEPA, its implementing regulations, and the Department's own guidelines. 40 CFR Part 1500 *et seq.*, (regulations of the Council on Environmental Quality); 45 FR 27541–48, April 23, 1980, (Department of the Interior Notice of Final Revised Procedures); *see* also 45 FR 10043–45,

February 14, 1980 (Notice of Proposed Revised Instructions for the Office of Surface Mining). These authorities require the Department, prior to a decision on a mining and reclamation plan on Federal lands, to prepare an environmental assessment or environmental impact statement. The current regulations (30 CFR 745.13(b)) do not allow the Secretary to delegate his NEPA duties to the States. However, the Secretary believes this regulation allows States to assist in preparation of NEPA documents.

The Department invites comment on whether the procedures for compliance with NEPA and its implementing regulations and guidelines are adequately addressed in the proposed cooperative agreement. Public comment is also requested on whether the State should prepare NEPA analyses to the extent authorized by NEPA.

The Endangered Species Act

This federal law requires that the Department take such action as is necessary to insure that actions authorized, funded, or carried out by federal departments and agencies do not jeopardize the continued existence of an endangered species or result in the destruction or modification of a species' critical habitat. 16 U.S.C. 1536. *See* also, 50 CFR 402 (regulations on inter-agency cooperation under the Endangered Species Act). OSM's regulations (30 CFR 745.13 (m)) provide that the Secretary's consultation obligation under Section 7 of the Endangered Species Act for actions on Federal Lands may not be delegated to a State.

General information relating to the Wyoming permit system and procedures for consultation with the U.S. Fish and Wildlife Service is contained in Part G.9 and Exhibit G.9 of the Wyoming program. Fish and Wildlife issues are discussed in detail in the partial approval of Wyoming's program at 45 FR 20946–47 and 20954–56, March 31, 1980. Comments are invited on whether the Endangered Species Act consultation requirements are adequately addressed in the proposed cooperative agreement.

The National Historic Preservation Act

Compliance with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800) is mandatory where the approval of a mine plan on federal lands may adversely affect sites, buildings, objects or districts listed on or eligible for listing on the National Register of Historic Places. Compliance is achieved through early consultation with and involvement of State Historic Preservation officers, and in some cases, consultation with the Advisory Council on Historic Preservation.

OSM and the Department must also comply with Executive Order 11593, "Protection and Enhancement of the Cultural Environment." (May 13, 1971). Executive Order 11593 contains two principal requirements. With respect to properties not owned by the Federal government, agencies and departments must establish procedures for consultation with the Advisory Council of Federal plans and programs affecting such properties. Secondly, the Order requires all federal agencies and departments to inventory and nominate historic sites, buildings, districts and objects which are on Federal property and which appear to qualify for inclusion on the National Register. Pending completion of the inventory and nomination process, federal agencies and departments must take measures to ensure that eligible properties are not substantially altered, and no action affecting an eligible property can be taken without first providing the Advisory Council on Historic Preservation an opportunity to comment.

The Archeological and Historic Preservation Act of 1974, 16 U.S.C. 469a–1, provides a means for private parties or the Federal Government to perform actual recovery of archeological materials and data through, for example, surveys, excavation and removal to a museum. See Statement of Program Approach of the Heritage Conservation and Recreation Service. 44 FR 18117–23, March 26, 1979.

These responsibilities would be reserved to the Secretary under the proposed cooperative agreement since they are not "expressly addressed." (Article XVI).

Floodplain Management and Wetlands Protection

The Office of Surface Mining has recently published a general statement of policy which describes the existing procedural mechanisms for compliance with Executive Order 11988, Floodplain Management (May 24, 1977) and Executive Order 11990, Protection of Wetlands (May 24, 1977). See 45 FR 49872–74, July 25, 1980. Secretarial approval of surface coal mining operations on federal lands is discussed in that **Federal Register** notice at 45 FR 49872–73. As noted therein, the method and responsibility for compliance with the Orders is to be a subject of the permanent program cooperative agreements under CFR 745.

The proposed cooperative agreement does not directly discuss compliance with the Orders. As a result, under Article XVI, the obligation for compliance with the Orders and with the published general statement of policy remains with the Secretary and is not delegated to Wyoming.

Approval of Mining Plans or Significant Modifications to Mining Plans

Under Section 523 of the Surface Mining Act and 30 CFR 745.13(i), the Secretary must retain authority to approve mining plans on federal lands. This reservation of authority is reflected in proposed Articles XVI and VII.

Other Reservations

Section 745.13 of OSM's regulations (30 CFR 745.13), lists the other specific responsibilities reserved to the Secretary. Principal among these responsibilities is the designation of federal lands and termination of designations under 30 CFR Part 769.

Article XVII: Definitions

This article states that terms and phrases used in the agreement shall have the same meanings as set forth in 30 CFR Part 700 and 701.

IV. Revised Drafts of the Proposed Cooperative Agreement

As noted above, the proposed cooperative agreement has undergone several revisions. Three major areas of change in the most recent revisions of the agreement are highlighted here and the public is invited to comment on these issues.

Article IV: Policies and Procedures: Mine Plan Review

Previous drafts of this article have included the concept of the State and the Department developing a Memorandum of Understanding (MOU) which would detail the gradual transfer of responsibility for mine plan reviews from OSM to the State in terms of both schedule and form. OSM feels it is desirable for the State to take the lead to conduct the mine plan review on behalf of both OSM and the State. However, if the State conducts the review for OSM, it will be necessary for the State to have sufficient technical and administrative capability for the review and to produce a decision package (or material readily adaptable to the decision package) which meets the *legal and procedural requirements of the Department of Interior.*

The Department will make the final decision on the mining plan, and no permits may be issued until the Department has approved the plan. The concept of a MOU is not necessarily precluded by the language contained in the revised Article IV. Instead the

revision leaves open the question as to when and how the transfer of review functions would be accomplished. At the August 21, 1980, meeting, the concept of meeting 60 days after mine plan receipt to plan work was discussed.

Article VII: Mining and Reclamation Plans, Paragraph 11.(a)

The last sentence of this paragraph—that within one month from program approval the Department shall submit to the State a list containing those statutes and regulations on which the Department will primarily rely to require supplemental information—has not appeared in previous drafts.

Article VIII: Inspections, Paragraph 23

Previous drafts of this paragraph have stated "the Department may conduct any inspections necessary to comply with 30 CFR Part 743 and 842 and its obligations under laws other than the Act." The revision has changed the concept slightly by stating that the inspections under Part 743 relate "* * * to obligations under laws other than the Act." The revised wording is closer to the provisions of the permanent program regulations than was the earlier wording.

V. Comments Received During State Program Review

As noted above, the State of Wyoming submitted a proposed permanent program cooperative agreement as part of its August 13, 1979, state program submittal. Several comments were received on that proposed agreement, and discussion of those comments was deferred to this rulemaking. Those comments will be discused here.

1. The Powder River Basin Council (Council) objected to the deletion of all specific references to "federal lands" in the August 13, 1979, proposed agreement. The term "federal lands" is restored in the proposed agreement published on July 8, 1980, and appears in Articles I, III, VII and VIII.

2. The Council and the Public Lands Institute (PLI) objected to characterizing the permanent program cooperative agreement as a modification or extension of the existing interim program extension cooperative agreement. These commentors stated that the agreement predates the Surface Mining Act and cannot meet the Act's requirements. The July 8, 1980, draft of the proposed agreement does not contain specific reference to the existing cooperative agreement. The accompanying **Federal Register** notice describes the instant rulemaking as one "to amend the existing cooperative agreement between the Department of the Interior and the State of Wyoming * * *" (45 FR 45927, July 8, 1980)) because Article IX, paragraph (C)(3), of the existing agreement contemplates (30 CFR 211.77(a)) such amendment. The Department does not believe that use of one terminology rather than another has any legal or practical significance, and has used terminology consistent with the comment in this notice. The public is invited to comment on whether "amendment" is an appropriate characterization.

3. Article III of the August 13, 1979, draft is entitled "Requirements for Cooperative Agreement" and contains 10 paragraphs headed as follows:

A. Responsible Administrative Agency.
B. Authority of State Agency.
C. State Reclamation Law.
D. Effectiveness of State Procedures.
E. Inspection of Mines.
F. Enforcement.
G. Funds.
H. Reports and Records.
I. Personnel.
J. Equipment and Laboratories.

Paragraph C of this Article provides that enforcement of the laws of Wyoming as listed in Appendix A will provide protection at least as stringent as would occur under 30 CFR 211, the Surface Mining Act and the regulations promulgated thereunder. With respect to this paragraph, the Council stated that it is essential to maintain the phrase "the regulations promulgated thereunder," and PLI stated that this paragraph was untrue based on deficiencies identified in Wyoming's proposed law and regulations.

The proposed agreement published on July 8, 1980, does not contain a provision similar to Article III of the August 13, 1979, version. Comments are requested on whether the issues identified by the Council and PLI are resolved in the July 8, 1980, version.

4. The Council and PLI stated that the agreement should clearly require that complete quarterly and monthly partial inspections are required by the Surface Mining Act. Article VIII, paragraph 20 of the July 8, 1980, published draft states that Wyoming "shall conduct inspections on federal lands and prepare and file inspection reports in accordance with its Program." 45 FR 45130. Finding 17.3 of the Secretary's partial approval states that Wyoming's program is more stringent than the federal requirement because the State will perform a partial inspection every month and a complete inspection every quarter. 45 FR 20968, March 31, 1980.

5. The Council, PLI and the Wyoming Outdoor Council state that the cooperative agreement must clearly state that inspection shall be without prior notice to the operator. As noted immediately above, the proposed cooperative agreement will adopt Wyoming's program and make it applicable to Federal lands in that state. Wyoming's program currently contains a requirement that inspections be unannounced except in special circumstances. This provision of Wyoming's program is discussed at 45 FR 20968, and was found to be acceptable.

6. The Council objected to wording in the proposed agreement requiring that inspection reports be filed with the Secretary (Article V(b) of the August 13, 1979, agreement; Article VIII, paragraph 21 of the July 8, 1980, published agreement). The Council stated that the language was confusing because reports were to be both "filed with" and "furnished to" the Secretary. The July 8, 1980, draft of the agreement correctly uses the term "filed."

7. The Council, PLI and the Wyoming Outdoor Council object to the termination article of the August 13, 1979, agreement, particularly the language permitting the State to waive the opportunity for a hearing and meet with or submit written materials to the Secretary on why the agreement should not be terminated. These commenters argue that such procedures would exclude the public from participating in the decision and circumvent the preparation of a written record of the termination decision. Article XI of the July 8, 1980, draft is substantially revised, and contains a requirement that the State and the public shall be afforded an opportunity for comment and a public hearing.

8. The Council and PLI objected to Article XII of the August 13, 1979, agreement relating to changes in state or federal standards. This article is essentially identical to Article XIV of the July 8, 1980, published agreement and Article XII of the existing interim program cooperative agreement. These commenters stated that this proposed language establishes a "one-way street—that is, if Congress revises SMCRA, then Wyoming may have to make appropriate changes, but if Wyoming changes its laws, the Congress is certainly not going to change SMCRA." The public is invited to comment on whether the language in Article XIV of the July 8, 1980, agreement should be revised.

9. The Wyoming Outdoor Council stated that the cooperative agreement should, at a minimum, contain environmental protection standards at least as stringent as those in the Surface Mining Act, provide as many rights for

citizen participation as does the Surface Mining Act, and give Wyoming the same enforcement and inspection rights as set out in the federal law. The adequancy of Wyoming's program is a prerequisite to this cooperative agreement. See Section 523(c) of the Surface Mining Act and 30 CFR 745.11(f). Should the Secretary be unable to approve the resubmitted portion of the Wyoming program, a federal program will be implemented. Additional background information on the status of Wyoming's program and its relationship to this rulemaking is contained in the July 8, 1980, **Federal Register** notice, 45 FR 45928.

10. The Wyoming Outdoor Council stated that the agreement should specify that all observed violations should be cited. This issue is being addressed in the context of the Wyoming State program resubmission because the Secretary identified it as a possible problem. See Finding 17.4, 45 FR 20968, March 31, 1980.

11. The Geological Survey (GS) notes that neither the existing nor the proposed cooperative agreement (in any of its drafts) addresses exploration. The GS suggests that a section on exploration should be added to all cooperative agreements, and that the BLM/GS/OSM Memorandum of Understanding be publicized since it describes those agencies' respective responsibilities for exploration activities. That Memorandum of Understanding has previously been discussed in this notice. Comments are requested on whether exploration activities should be addressed in the cooperative agreement.

GS also stated that the inspection article of the cooperative agreement should be revised to clarify that GS conducts inspection under the Mineral Leasing Act, and that advance notice to the State of these inspections by GS is not necessary. Paragraph 22 of Article XII of the July 8, 1980, agreement appears to address GS's concern.

12. PLI states that bonding is not addressed, and that the agreement should clearly state that OSM sets the bond, enforces it, decides to release it and decides the standards under which it is released. The bonding provisions of Wyoming's State program are discussed in Finding 18 of the partial approval notice (45 FR 20968–70, March 31, 1980), and in Article X of the July 8, 1980, published agreement. The public is invited to comment on whether PLI's concerns are adequately addressed in the agreement.

Conflict of Interest Provisions

The existing interim program cooperative agreement contains a provision (Article XIII) requiring that the State "shall require its employees to comply with the requirements of 30 CFR 705." See 30 CFR 211.77(a). Comments are requests on whether this or a similar provision should be addressed in the permanent program cooperative agreement.

Dated: September 26, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

1. It is proposed to amend Title 30 CFR, Subchapter T by adding a Part 950, Cooperative Agreement Between the State of Wyoming and the Department of the Interior. (The text of the proposed agreement appears at 45 FR 45929–31, July 8, 1980).

[FR Doc. 80-30669 9-30-80; 8:45 am]

BILLING CODE 4310-05-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 101-11

Records Management; Stationery Standards

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule provides specifications governing the use of 8.5- by 11-inch stationery by Federal agencies, increases agencies' authority and responsibility for the economical and efficient selection and use of stationery, and cancels FPMR Temporary Regulation B-5 dated September 21, 1979 and Supplement 1. Specifically, this rule: (1) Provides size and paper specifications for the use of 8.5- by 11-inch paper, as authorized by the Congressional Joint Committee on Printing (JCP), (2) delegates to heads of agencies the responsibility for authorizing the use of envelope markings and designs, (3) revised design standards for letterhead, and (4) promoted management policies and procedures to economically and efficently select, stock, and use stationery.

DATE: Comments must be received on or before: December 1, 1980.

ADDRESS: Comments should be addressed to: General Services Administration (NRS), Attn: Jon R. Halsall, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Richard P. Stephenson, Mail and Correspondence Management Branch (202-376-8907).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Accordingly, GSA proposes to amend 41 CFR Part 101-11 as follows:

PART 101-11—RECORDS MANAGEMENT

1. The table of contents for Part 101-11 is amended by revising and adding the following entires:

Subpart 101-11—Records Equipment and Supplies

Sec.
101-11.601 [Reserved]
101-11.602 [Reserved]
101-11.603 Stationery standards.
101-11.603-1 General provisions.
101-11.603-2 Definitions.
101-11.603-3 Standard stationery specifications.
101-11.603-4 Procurement and stocking.
101-11.603-5 Printing of letterhead stationery.
101-11.603-6 Use of letterhead stationery.
101-11.603-7 Preparing letterhead letters.
101-11.603-8 Manifold (tissue) sheets.
101-11.603-9 Envelopes.
101-11.603-10 Envelopes and postcards (printing).
101-11.603-11 Optional Form 10, United States Government Memorandum.
101-11.603-12 Optional Form 41, Routing and Transmittal Slip.
101-11.603-13 Standard Form 63, Memorandum of Call.
101-11.603-14 Standard Form 65, U.S. Government Messenger Envelope.

Subpart 101-11.6—Records Equipment and Supplies

2. Section 101-11.603 is revised to read as follows:

§ 101-11.601 [Reserved]

§ 101-11.602 [Reserved]

§ 101-11.603 Stationery standards.

§ 101-11.603-1 General provisions.

(a) Section 101-11.603 prescribes mandatory standards for selection and use of blank and printed stationery paper, including the format designs of formal and informal letters. Also prescribed are format standards for the Optional Form 10, U.S. Government Memorandum; Optional Form 41, Routing and Transmittal Slip; Standard Form 63, Memorandum of Call; and Standard Form 65, U.S. Government Messenger Envelopes.

(b) Nothing in this subpart shall supersede, in any manner, the provisions of the "Government Paper Specification Standards" and the "Government Printing and Binding Regulations" issued by the Congressional Joint Committee on Printing (JCP) or any applicable U.S. Postal Service (USPS) regulation.

§ 101-11.603-2 Definitions.

The following definitions apply to terms used in this section:

(a) "Stationery" means paper products used in correspondence, such as letterhead, continuation sheets, manifold carbon tissue sets, carbon paper, carbonless paper, memoranda, postcards, and envelopes.

(b) "Letterhead" means paper, showing agency identification, used for official correspondence. Identification includes name, acronym, logo, seal, code, and/or address affixed by printing, engraving, embossing, typing, stamping, or other labeling.

(c) "Manifold carbon tissue set" means a tissue sheet attached to a one-time carbon sheet and is commonly called "tissue."

(d) "Continuation sheet" means the second or succeeding page of a letter.

(e) "Foundry type fonts" means nonitalic or nonartistic fonts available at no additional costs for printing stationery.

(f) "Lettersize" envelopes means rectangular envelopes with minimum dimensions of 5 inches in length, 3.5 inches in height, and .007 inches in thickness and maximum dimensions of 11.5 inches in length, 6.125 inches in height, and .25 inches in thickness.

(g) "Flat" envelopes, also called "oversize" envelopes, means a rectangular envelope that exceeds one or more of the maximum dimensions for lettersize envelopes, but does not exceed 15 inches in length, or 12 inches in height, or .75 inches in thickness.

§ 101-11.603-3 Standard stationery specifications.

Government stationery standard specifications are set forth in the "Table of Standard Specifications" as follows:

Table of Standard Specifications

Item	Color		Size		Paper quality shall not exceed		
	Paper	Printing	Inches (w x 1)	Millimeters[2] (w x 1)	Substance[1]		
					Grade[3]	Pounds[4]	Grams[5] (g/m²)
STATIONERY							
Letterhead stationery designed for window envelopes	White	One color	8.5 x 11	215 x 280[6]	50 percent rag	32	60
			8.5 x 7.3	215 x 186	or		
			8.5 x 5.5	215 x 139	25 percent rag	40	75
Continuation sheets	Match agency letterhead.	None	8.5 x 11	215 x 280[6]	50 percent rag	32	60
					or		
					25 percent rag	40	75
Manifold (tissue) letterhead	White	Match agency letterhead.	8.5 x 11	215 x 280[6]	25 percent rag	18	34
Memorandum stationery designed for window envelopes	White	Match agency letterhead.	8.5 x 11	215 x 280[6]	CW (writing)	40	75
			8.5 x 7.3	215 x 186	or		
			8.5 x 5.5		25 percent rag		
				215 x 139	25 percent rag	32	60
Continuation sheets	Match memo stationery.	None	8.5 x 11	215 x 280[6]	CW (writing)	40	75
					or		
					25 percent rag	32	60
Manifold (tissue)	White[7]	None	8.5 x 11	215 x 280[6]	25 percent rag	18	34
Envelopes	White	Match agency letterhead color and style.	Use smallest possible		Determined by Federal Supply Service.	20-28	36-45
	Brown	Black ink match agency letterhead.	Use smallest possible		Kraft	100	81
United States Government Memorandum (OF 10)	White	Black	8.5 x 11	215 x 280[6]			
			8.5 x 5.5	215 x 139	CW (writing)	40	75
Memorandum of Call (SF 63 (pads))	At discretion of GPO		4 x 5.2	102 x 133	At discretion of GPO		
U.S. Government Messenger Envelope:							
(SF 65A)	Brown	Dark brown	4.25 x 9.5	114 x 241			
(SF 65B)			9.5 x 12	241 x 304	Kraft	100	81
(SF 65C)			12 x 16	304 x 406			
Routing and Transmittal Slip (OF 41)	At discretion of GPO		8 x 5.25	203 x 133	At discretion of GPO		

[1] Joint Committee on Printing, Government Paper Specification Standards.
[2] Rounded to whole millimeter.
[3] CW=Chemical Wood.
[4] Weight per 1,000, 17" x 22" sheets.
[5] Weight per 1,000 sheets, per 1 square meter.
[6] Joint Committee on Printing, Government Printing and Binding Regulations.
[7] Other colors may be used but quality shall not exceed 25% rag, Substance 18 lbs (34 g/m²).

§ 101-11.603-4 Procurement and stocking.

Agencies shall:

(a) Procure stationery through normal supply channels;

(b) Procure Standard and Optional forms, prescribed in §§ 101-11.603-11 through 101-11.603-14, from the Federal Supply Service, General Services Administration (GSA);

(c) Establish procedures to ensure that stationery inventories are economically maintained at levels consistent with need;

(d) Maintain no more than 1-year's supply of stationery without written justification approved by the head of the agency;

(e) Limit stationery styles and sizes to the minimum needed to ensure efficient and effective program operations;

(f) Not change stationery designs without written justification, approved by the head of the agency, documenting improved program operations; and

(g) Ensure that all reasonable, orderly, and economical means are used to deplete obsoleted stationery.

§ 101-11.603-5 Printing of letterhead stationery.

Agencies may design letterhead stationery subject to the following conditions:

(a) The design provides for economical printing and efficient letter preparation;

(b) JCP regulations are followed;

(c) Requirements of § 101-11.603-3 are followed;

(d) The entire letterhead is contained within 1.5 inches from the 8.5-inch top edge;

(e) Standard foundry type fonts are used;

(f) The letterhead of agencies with a unique ZIP Code is limited to the agency's full name and return address (city, state, and ZIP Code), for example:

Public Service Agency
Washington, DC 00000

(g) The letterhead of agencies having more than one location where mail is received directly from USPS, or having offices that require other address block data to aid in return mail delivery, may also contain the street address or other identifying address, in addition to the items listed in (f), for example:

Public Service Agency
Region 00
26 Federal Drive
Anytown, OK 00000

Public Service Agency
Service Building, Room 000
512 9th Street
Anytown, MO 00000

(h) No other printing occurs below the letterhead, except as required in this section and except for nonletterhead printing of form letters;

(i) The head of the agency determines that Optional Form 10 will not adequately serve an agency's needs for informal letterhead;

(j) End-of-text marks and fold marks are printed;

(k) Preprinted marks are provided for aligning the address block when using window envelopes;

(l) Within the range of paper quality specified by § 101-11.603-3, informal letterhead stock is of lower quality paper and easily distinguishable from formal letterhead; and

(m) In the left margin, below agency-designed informal letterhead, are printed, in this order and flush with the left margin: Date, Reply to, Attention of (or From), Subject and To. For additional information, see the U.S. Government Correspondence Manual, Part I, Chapter 1.

§ 101-11.603-6 Use of letterhead stationery.

Agencies shall use formal letterhead stationery for all letters to a non-Federal addressee, or to an interagency addressee if the addressee is:

(a) The President or Vice President of the United States,

(b) A Member of Congress,

(c) A Justice of a Federal court,

(d) Members of the White House staff,

(e) A head of another agency, or

(f) Specifically designated by the head of an agency to receive a formal letter. Informal letterhead stationery shall be used for all other intra-agency and interagency letters.

§ 101-11.603.7 Preparing letterhead letters.

Agencies shall ensure, through published directives, training and self-inspection, that letterhead correspondence:

(a) Is a complete, timely, and accurate record of official transactions;

(b) Is prepared by the most economical use of labor and materials;

(c) Has for formal letters, in this order, the letter elements of date, address block, salutation, body, complimentary close, actual or facsimile signature, and signature block;

(d) Is prepared in block style with at least the first line of each letter element, including paragraphs within the body and signature blocks, beginning flush with the left margin; and

(e) Has a one-inch left and .75-inch right and bottom margins. Variations in format from (c), (d), and § 101.11.603-5 (m) are permitted for preprinted form letters only when economical and efficient.

§ 101-11.603-8 Manifold (tissue) sheets.

Agencies shall use tissues to make copies and shall create copies only when need has been determined. A substitute for tissue sheets is permitted, provided (a) equal or better copy quality is maintained and (b) labor and material costs to produce the substitution are no greater than those for tissue preparation. (See § 101-11.603-3.) Agencies shall use yellow tissues for official file copies and white tissues for all other purposes, unless color will aid in processing, identification, or disposition. Letterhead tissues may only be used for formal letters to addressees outside the originating agency who specifically request letterhead copies.

§ 101-11.603-9 Envelopes.

Agencies shall ensure that:

(a) Except for self mailers, no printing is done on the inside of envelopes;

(b) Envelopes are sent using the most economical service consistent with delivery needs;

(c) "Flat" mailing envelopes made from material other than specified in § 101-11.603-3 are more economical than the material-plus-postage cost of draft envelopes;

(d) Envelopes and post cards that will be processed by USPS meet mailing requirements and are eligible for the most economical class of mail service; and

(e) Lettersize window envelopes are used except for mailing material that:

(1) Involves national security,

(2) Is highly confidential to the agency or the addressee,

(3) Is exempted in writing by the head of an agency,

(4) Cannot be processed by USPS in window envelopes, or

(5) Is uneconomical to mail in window envelopes.

§ 101-11.603-10 Envelopes and post cards (printing).

(a) Agencies shall ensure that printed items on envelopes and post cards are arranged and located according to USPS specifications. Printed envelopes and post cards shall contain the agency's full name and return address, the USPS-required penalty statement and facing identification marks, and the "official business" designation. In addition, envelopes or post cards not bearing prepaid postage shall contain either "Business Reply" or an indicium with a postage and fees paid permit.

(b) Except for USPS-required items, no other printed, stamped, or affixed marking or design shall be placed on envelopes or on the front of post cards unless it is determined in each instance that use of a given marking or design will either:

(1) Reduce the agency's costs,

(2) Expedite mail delivery or handling,

(3) Aid in the delivery of services to the public, or

(4) Promote a program or activity having major national impact. The use of each marking or design must be approved in writing by heads of

agencies. The approval authority may not be delegated:

§ 101-11.603-11 Optional form 10, U.S. Government Memorandum.

This form is designed to aid informal, intra-agency or interagency correspondence preparation and for use with window envelopes. (See the U.S. Government Correspondence Manual and § 101-11.4912.) Standard spaces are provided for the date, addressee, subject matter, and sender. It may be overprinted with the agency's name and address at the top. It is intended for use by agencies whose needs are met by a simple format and whose identification and data requirements, if any, do not justify a special printing.

§ 101-11.603-12 Optional form 41, Routing and Transmittal Slip.

This form is designed to transmit brief informal messages and/or documents for a variety of reasons. Spaces are provided for routing, addressee initials, and the date. Do not use this form as a record of approvals, concurrences, disposals, clearances, or similar actions.

§ 101-11.603-13 Standard Form 63, Memorandum of Call.

This form is designed to record telephone numbers, messages, or visits for personnel who are not available at the time of the call or visit. (See § 101-11.4913.)

§ 101-11.603-14 Standard Form 65, U.S. Government Messenger Envelope.

This form is designed as a reusable envelope and is available in 3 sizes as SF 65A (preferred), SF 65B, and SF 65C. (See § 101-11.603-3 and 101-11.4914.) It is designed to transmit correspondence and other matter between agencies in the Washington metropolitan area through the USPS Official Mail Messenger Service (Stop-Run). Agencies' offices located outside the Washington metropolitan area may use SF 65 internally if it is processed only by agency messengers. Consecutively arranged spaces are provided on the front and back of the envelope for the name or title of the addressee, organization, and mail stop number. SF 65 is the only authorized messenger envelope and agencies may not procure or use another type. Stocking of each of the three sizes shall be restricted to a 1 month supply.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: September 8, 1980.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 80-30047 Filed 9-30-80; 8:45 am]

BILLING CODE 6820-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-157; RM-3363]

TV Broadcast Station in Santa Barbara, Calif.; Order Extending Time For Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time for comments and reply comments (order).

SUMMARY: Action taken herein extends the time for filing comments and reply comments in BC Docket 80-157 concerning a proposal to assign VHF TV Channel 10 to Santa Barbara, California. McGraw-Hill Broadcasting Company, Inc. requests an extension to permit completion of a study it has undertaken concerning the propagation characteristics along the southern California coast.

DATES: Comments must be filed on or before November 14, 1980, and reply comments on or before December 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 9, 1980.

Released: June 18, 1980.

By the Chief, Policy and Rules Division:

1. On April 11, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 28770, concerning the above entitled proceeding. The dates for filing comments and reply comments, which were already extended previously, are September 15, 1980, and October 6, 1980.

2. On September 3, 1980, McGraw-Hill Broadcasting Company, Inc., licensee of Station KGTV-TV, San Diego, California, filed a request to extend the comment deadline for sixty days to November 14. It states that it has undertaken a study of the unusual propagation of television signals along the southern California coast and needs the extra time to complete measurements.

3. As we indicated in the previous extension order, the *Notice* invited studies of the propagation characteristics of this area for the purpose of establishing that a different standard than the mileage separations should be used in considering the assignment of VHF TV channel 10 to Santa Barbara. Since McGraw-Hill's study appears to be an attempt to do just that, we believe another extension is justified. We recognize that a study of this type requires a lot of time in order to provide valuable data. Also, in a new development, another study which is being undertaken by the Commission and the Institute for Telecommunication Sciences (ITS) now appears to be of some relevancy to this proceeding and we intend to take the results of that study into account in this case. That study is not expected to be completed before the end of this year. Thus the two month extension sought herein would not delay this proceeding.

4. Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including November 14, 1980, and December 5, 1980, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-30406 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR PART 73

[BC Docket No. 80-566; RM-3620]

FM Broadcast Station in Visalia, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to assign Class B FM Channel 246 to Visalia, California, as a second FM channel assignment, in response to a petition filed by Russell Schwamb.

DATES: Comments must be filed on or before November 20, 1980, and reply comments must be filed on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: October 1, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Russell Schwamb ("petitioner") proposing the assignment of Class B FM Channel 246 to Visalia, California as that community's second FM channel. No responses to the petition have been filed.

(b) The proposed channel can be assigned to Visalia in compliance with the minimum distance separation requirements, provided the transmitter is located at least 10.5 kilometers (6.5 miles) southeast of the community.

(c) Petitioner states that he will apply for the channel, if assigned.

2. *Community Data:*

(a) *Location:* Visalia, the seat of Tulare County is located approximately 264 kilometers (165 miles) northwest of Los Angeles, California.

(b) *Population:* Visalia—27,268 [2]; Tulare County—188,322.

(c) *Local Aural Broadcast Service:* Visalia is served locally by full-time AM Station KONG and by FM Station KONG–FM, Channel 225.

3. *Economic Considerations:* Petitioner states that due to Visalia's size, consistently expanding growth rate, and its role as county seat, the community merits an additional broadcast service. Petitioner has submitted other demographic and economic data in order to demonstrate the need for a second FM assignment to Visalia.

4. *Preclusion Study:* Preclusion study for Channel 246 in Visalia was done assuming the transmitter was located 41 kilometers (25 miles) east of the community. Preclusion will occur on Channels 244A, 245, 246, 247 and 249A in all or parts of the following eight *counties: California:* Tulare, Inyo, Kern, Fresno, San Luis Obispo, Mono; *Nevada:* Esmeralda, and Nye. Petitioner should provide a list of alternative channels available to the above precluded areas.

5. *Other Considerations:* Petitioner proposes to locate the transmitter approximately 41 kilometers (25 miles) east of the community. Generally, a Class B station operating with maximum facilities places a 70 dBu contour out approximately 34 kilometers (21 miles). The rules require that a 70 dBu signal be provided over the community where the channel is assigned. Accordingly, petitioner is requested to show that a transmitter located at the proposed site will comply with the 70 dBu requirement.

6. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules as follows:

City	Channel No.	
	Present	Proposed
Visalia, California	225	225, 246

7. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before November 20, 1980, and reply comments on or before December 10, 1980.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73. 202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-30403 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the Petition was given on March 31, 1980, Report No. 1221.

[2] Population figures taken from the 1970 U.S. Census.

47 CFR PART 73

[BC Docket No. 80-570; RM—3555]

TV Broadcast Station in Fort Pierce, Fla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of UHF television Channel 59 to Fort Pierce, Florida, in response to a petition filed by Hubbard Broadcasting, Inc. The proposal would provide for a second commercial TV station in Fort Pierce.

DATES: Comments must be filed on or before November 20, 1980, and reply comments on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: Sept. 19, 1980.

Released: October 3, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making,[1] filed by Hubbard Broadcasting, Inc. ("petitioner"), licensee of television Station WTOG, Petersburg, Florida, which seeks the amendment of Section 73.606(b) of the Commission's Rules, the Television Table of Assignments by removing the reservation of Channel *21 at Fort Pierce, Florida, and substituting Channel 59 on a reserved basis. An opposition to the proposal was filed by the Association for Public Broadcasting ("APB"), to which petitioner responded.

2. Fort Pierce (pop. 29,721),[2] seat of St. Lucie County (population 50,836), is located on the east coast of Florida, approximately 185 kilometers (115 miles) north of Miami. It is presently assigned Channel *21 (unoccupied and unapplied for),[3] and Channel 34 (WTVX).

3. Petitioner contends that the public interest would be served by assigning an additional channel to Fort Pierce, and deleting the reservation on Channel *21. It claims that the prospect for development of a new noncommercial station to serve the Fort Pierce area would not be diminished by the new channel assignment since the transmitter site selection for a new educational station on Channel 59 would be as flexible as for Channel *21, and it would allow broad area coverage.

4. APB, in opposition, argues that the petitioner has not adequately demonstrated a need for disturbing the existing reserved assignment of Channel *21 at Fort Pierce. It states that the petitioner's needs can be met by assigning Channel 59 for commercial use, thereby retaining Channel *21 for future noncommercial educational use.

5. In reply comments, petitioner asserts that the Fort Pierce area is rapidly growing in population and an additional television channel allocation is clearly warranted. It suggests as an alternate proposal assigning and reserving Channel 59, and leaving Channel *21 reserved. This would give potential noncommercial applicants a choice of channels and provide an opportunity for multiple noncommercial stations, should more than one group apply for a construction permit.

6. It appears that Hubbard's interest in starting this proceeding stems from a desire to keep a channel in Fort Pierce available for its proposed 1,000 watt commercial translator station, and, if possible, to have a commercial channel available if it decides to try to upgrade its translator to a full television station. Since its translator application is for Channel 21, it would prefer to have Channel 21 designated for commercial use and Channel 59 designated for noncommercial educational use. However, even if Channel 21 is not reserved for noncommercial educational use and Channel 59 is reserved, an educational applicant would be free to apply for Channel 21, a grant of which would displace petitioner's proposed translator operation. Consequently, it does not appear appropriate to change the Channel *21 reservation.

7. Also, it has not been shown that a need exists for two noncommercial educational channels in Fort Pierce. However, it appears that we might accommodate Hubard's desire to make a channel available for commercial use in Fort Pierce, by proposing Channel 59 for such use. We do not believe the public interest would be served by deleting the educational reservation of the present assignment, since another channel can be assigned.

8. Comments are invited on the following proposal to amend the Television Table of Assignments with regard to the city of Fort Pierce, Florida as follows:

City	Channel No.	
	Present	Proposed
Fort Pierce, Florida	*21 –, 34	*21 –, 34, 59 +

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before November 20, 1980, and reply comments on or before December 10, 1980.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-6302. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station

[1] Public Notice of the petition was given on February 1, 1980, Report No. 1211.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Petitioner has a pending application for a construction permit to operate a commercial translator station on Channel *21 at Forth Pierce.

promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons action on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-30401 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-567; RM-3619]

FM Broadcast Stations in Brookville and Versailles, Ind.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the deletion of FM Channel 276A from Versailles, Indiana, and its reassignment to Brookville, Indiana, in response to a petition filed by Twin Forks, Inc. The proposed assignment could provide a first local aural broadcast service to Brookville.

DATES: Comments must be filed on or before November 20, 1980, and reply comments must be filed on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: October 6, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rulemaking,[1] filed by Twin Forks, Inc. ("petitioner"), requesting the deletion of FM Channel 276A from Versailles, Indiana, and its reassignment to Brookville, Indiana, as that community's first FM assignment. Channel 276A at Versailles is unoccupied. Petitioner expressed an interest in applying for the channel, if assigned to Brookville. An opposition was filed by Mid-America Radio, Inc., licensee of WXTZ (Channel 277), Indianapolis, Indiana, to which petitioner responded.

2. Versailles (pop. 1,020) [2] seat of Ripley County (pop. 21,138) is located approximately 112 kilometers (70 miles) southeast of Indianapolis, Indiana. Versailles has no local aural broadcast service, although it has one FM assignment, Channel 276A. Brookville (pop. 2,864) seat of Franklin County (pop. 16,943) is located approximately 43 kilometers (27 miles) northeast of Versailles, Indiana. It has no local aural broadcast service or FM assignments. Channel 276A could be assigned to Brookville, provided the transmitter is located 11.5 kilometers (7.2 miles) northwest of the city.

[1] Public Notice of the petition was given on March 31, 1980, Report No. 1221.

[2] Population figures are taken from the 1970 U.S. Census.

3. Petitioner states that Brookville is a steadily growing community due mainly to the Brookville Reservoir—a major conservation and recreation project of federal and state agencies. It attracts over a quarter million persons annually, through its services. Petitioner claims that the economy is supported by manufacturing, wholesale establishments and retail firms. Demographic and economic information has been submitted to demonstrate the need for a first FM assignment.

4. Petitioner alleges that the reassignment of Channel 276A will not leave Versailles without broadcast service. It is said to be served by no less than nine neighboring-community stations (no more than 24 miles in distance) and a nearby clear channel service. The proposal would provide a first local service to a substantially larger populated area than Versailles, according to petitioner.

5. In opposition, Mid-America Radio, Inc., argues that the petitioner has failed to present any information which demonstrates that Brookville is an identifiable community, in accordance with Commission guidelines. It claims that Brookville is located 31 miles from Richmond, Indiana, which has five aural services, whereas Versailles is surrounded by several small communities. The lack of an application for the Versailles channel is argued to be an insufficient reason for its deletion as the Table of Assignment provides for future needs. It states that the proposal would impair its flexibility in relocating its transmitter site, since it would leave less space in which to relocate, whereas it is the Commission's policy that licensees must have some flexibility to modify and improve their facilities in order to serve the public interest.

6. In reply comments, petitoner contends that Mid-America offers no engineering support for its claim that the proposed assignment would substantially impair its ability to relocate. Mid-America has obtained a CP to modify its facilities at its present tower site. In response to the allegation of the community being unidentifiable, it refers to the demographic information submitted, which clearly outlines Brookville as a community. Petitioner states that a Brookville Class A station would reach only 9 miles with a 1 mV/m signal, while Richmond is a distance of 31 miles. Thus the proposal could not be construed to be designed to serve Richmond. Petitioner reasserts that sufficient justification for a first local radio service to Brookville has been provided.

7. We are satisfied from the information supplied by the petitioner

that Brookville is an identifiable community and its residents have interests and needs which can be addressed by a local broadcast service. The fact that Richmond stations provide some service to Brookville, does not diminish the fact that a local FM station would provide a needed service to that community. A contemplated site change for an existing station is not a sufficient argument against a new assignment. The deletion at versailles represents the only change in any existing assignments in the Table of Assignments by the petitioner's proposal and no interest has been expressed for the use of Channel 276A at Versailles. Since the proposed assignment could bring a first local aural broadcast service to Brookville, a somewhat larger community than Versailles, we are seeking comments on the proposal to reassign Channel 276A from Versailles to Brookville, Indiana.

8. In view of the foregoing, and pursuant to authority found in Sections 4(i), 5 (d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is proposed to amend the FM Table of Assignments (Section 73.202(b)) to read as follows:

City	Channel No.	
	Present	Proposed
Versailles, Indiana	276A	
Brookville, Indiana		276A

9. Authority to institute rule making proceedings, showing requird cut-off procedures, and filing requirements, are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before November 20, 1980, and reply comments on or before December 10, 1980.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660. However, members of the public should note that from the time a notice of proposed rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in writen comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commision's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-30396 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-563; RM-3622]

FM Broadcast Station in Hays, Kans.; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class C FM channel, as a second FM assignment to Hays, Kansas, in response to a petition filed by Central Radio, Inc. The proposed assignment could provide for a station that would render a first service to the area.

DATES: Comments must be filed on or before November 20, 1980, and reply comments on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

Adopted: September 18, 1980.

Released: October 6, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rulemaking was filed [1] by Central Radio, Inc. ("petitioner"), proposing the assignment

[1] Public Notice of the petition was given on March 31, 1980, Report No. 1221.

of Class C Channel 253 to Hays, Kansas, as that community's second FM assignment. Opposing comments were filed by Lesso, Inc., licensee of Station KJLS (FM), Hays, Kansas, and by KABI, Inc., licensee of Stations KABI (AM) and KABI (FM), Abilene, Kansas, to which petitioner responded.

(b) The channel can be assigned in conformity with the minimum distance separation requirements.

(c) Petitioner states that it will apply for the channel, if assigned.

2. *Community Data:* (a) *Location:* Hays, seat of Ellis County, is located approximately 312 kilometers (195 miles) west of Topeka, Kansas.

(b) *Population:* Hays 15,396 [2], Ellis County 24,730.

(c) *Local Aural Broadcast Service:* Full-time AM Station KAYS and FM Station KJLS (Channel 277).

3. *Economic Consideration:* Petitioner states that Hays, as the area's population center, has experienced a steady growth pattern since 1960, and it anticipates a sustained growth in the future. Petitioner asserts that the economic base is divided between agriculture, various types of manufacturing and retail trade. It alleges that there is a need for a second local independent station to serve Hays and the surrounding area. Demographic and economic information has been submitted with respect to Hays, to demonstrate the need for a second FM assignment.

4. In opposition, Lesso, Inc. argues that there are three full-time commercial broadcast stations licensed to Hays (including KAYS–TV). It states that the population of Hays cannot meet the Commission's current guidelines a for a second FM assignment, and that the communities to the west and north of Hays with populations exceeding 2,000 and with no AM or FM station assignments would be precluded from assignment of Channels 250–253, should the Commission assign Channel 253 to Hays. A station operating in this area would provide more first and second aural services than would a Hays station, according to Lesso, Inc.

5. In opposing comments, KABI, Inc. claims that it has been considering opportunities for substituting Class C Channel 253 for Channel 252A, to provide better quality nighttime service. The proposed assignment to Hays would preclude such a switch. It states that there are other Class C channels which could be assigned to Hays, specifically Channels specifically Channels 273 and 286.

[2] Population figures are taken from the 1970 U.S. Census.

6. In reply comments, petitioner contends that television service is not considered in determining the need for aural broadcast service and the Commission's population guidelines clearly permit the assignment of a second FM channel. As to KABI, Inc.'s suggestion that another Class C channel could be assigned at Hays, petitioner states that it does not believe that the mileage separation requirements could be met with the channels suggested but that it would consider a different Class C assignment if an appropriate counterproposal were filed.

7. *Preclusion Consideration:* The assignment of Channel 253 to Hays, assuming the transmitter is located in the center of the city, would cause preclusion as follows:

Channel	Radius
250	[1] 65
251	65
252A	105
253	180
254	150
255	65
256	65

[1] Within 65 mile radius.

A staff study indicates that Channels 258, 286 and 300 could be assigned to Hays with certain site restrictions. A similar study might also indicate the availability of channels other than 253 for Abilene.

8. Petitioner's *Roanoke Rapid/Anamosa* study shows that the proposed assignment will provide a first FM and nighttime aural service to 686 persons in a 220 square kilometer (85 sq. mile) area and a second FM service to 33,826 persons in a 5,537 square kilometer (2,138 sq. mile) area with a second nightime aural service to 15,621 persons in a 4,690 kilometer (2,138 sq. mile) area with a second nighttime aural service to 15,621 persons in a 4,690 kilometer (1,811 sq. mile) area.

9. We believe that, based on the first aural and FM services to be provided, a sufficient showing to warrant proposing a second Class C channel has been made. Lesso argued that a second assignment exceeded the community population guideline. However, the criteria specifically permits up to 2 channels for communities under 50,000 population. We shall propose, as requested, the assignment of Channel 253. If KABI is seriously considering using Channel 253 in the near future, it should file a formal counterproposal demonstrating that another Class C channel can be assigned to Hays.

10. Comments are invited on the following proposal to amend the FM Table of Assignments, § 73.202(b), with regard to the city of Hays, Kansas.

City	Channel No.	
	Present	Proposed
Hays, Kansas	277	253, 277

11. Authority to institute rulemaking proceedings, showing required, cut-off procedures, and filing requirements, are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

12. Interested parties may file comments on or before November 20, 1980 and reply comments on or before December 10, 1980.

13. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–9660. However, members of the public should note that from the time a notice of proposed rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its

present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice in this effect will be long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 80-30395 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-568; RM-3548]

TV Broadcast Station in Paintsville, Ky.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of UHF television Channel 69 to Paintsville, Kentucky, in response to a petition filed by Hometown Television, Inc. The proposed station could bring a first local television service to Paintsville.

DATES: Comments must be filed on or before November 20, 1980, and reply comments on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: October 1, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making [1] filed by Hometown Television, Inc. ("petitioner"), requesting that Channel 51 be assigned to Paintsville and Channel 60 be substituted for Channel 51 at Pikeville, Kentucky. Several oppositions to the proposal were filed [2] claiming that the assignment of Channel 51 to Paintsville would result in short-spacing to Channel 65 in Beattyville, Kentucky. Petitioner filed reply comments in which it suggested that UHF-TV Channel 69 be assigned as an alternative to Paintsville.

2. Paintsville (population 3,868),[3] seat of Johnson County (population 11,539) is located approximately 70 kilometers (45 miles) south of Ashland. It has no local television service.

3. Petitioner describes Paintsville as a vigorous, growing community, capable of supporting a local television outlet responsive to the needs and interests of the area residents. It has no local daily newspaper although it is served by two weekly newspapers. Local service is provided by WSIP (AM), WSIP-FM and cable television systems.

4. The oppositions focus on the short-spacing that would result from the Channel 51 proposal and note that compelling reasons must be provided for a waiver. Since a suitable alternative that does not involve a short-spacing has been offered, we shall pursue the Channel 69 proposal. Petitioner claims that Paintsville needs its own locally oriented television outlet to cover local news events, governmental and civic affairs and provide an outlet for programming and advertising directed toward the interests of the community.

5. In view of the fact that the assignment of Channel 69 can provide Paintsville an opportunity to acquire its first local television station, we shall propose to amend the Television Table of Assignments § 73.606(b) of the Commission Rules, as it pertains to Paintsville, Kentucky, as follows:

City	Channel No.	
	Present	Proposed
Paintsville, Kentucky		69+

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 20, 1980 and reply comments on or before December 10, 1980.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660. However, members of the public should not that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

[1] Public Notice of the petition was given on February 1, 1980, Report No. 1211.

[2] Oppositions were filed by Sandy Broadcast Company, the licensee of Stations WSIP (AM) and WSIP-FM Paintsville, Kentucky; the Association of Maximum Service Telecasters, Inc.; Hour of Harvest, Inc., applicant for Channel 65, Beattyville, Kentucky.

[3] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 (b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-30402 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR 8 Part 73

[BC Docket No. 80-565; RM-3589]

FM Broadcast Station in Hastings, Nebr.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and order to show cause.

SUMMARY: This action proposes to assign two Class C channels, delete the Class A channel and modify the Class A station to specify one of the Class C channels at Hastings, Nebr., in response to a petition from Central Radio, Inc. Significant service to unserved areas could be provided.

DATES: Comments must be filed on or before November 20, 1980, and reply comments must be filed on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: October 7, 1980.

By the Chief, Policy and Rules Division:

1. The Commission here considers the petition filed by Central Radio, Inc. ("Petitioner") requesting the assignment of Channel 268 to Hastings, Nebraska, as that Community's second FM assignment.[1] Cornhusker Television Corporation, licensee of Station KGIN-TV (VHF-TV Channel 11) Grand Island, Nebraska, filed an opposition to this petition,[2] to which petitioner replied.

2. Hastings (population 23,580),[3] seat of Adams County (population 30, 553), is located approximately 216 kilometers (135 miles) southwest of Omaha, Nebraska. Hastings is served by full-time AM Stations KHAS (1230 kHz) and KICS (1550 kHz) and FM Station KEZH (Channel 228A).

3. Petitioner asserts that Hastings and Adams County's major economic base is agriculture and related industries. Petitioner also states that there is a need for a second independent FM channel, since the sole FM station in Hastings is co-owned with one of the AM stations and much of their programming is duplicated.

4. In order to avoid intermixture which would be created by our assigning a Class C channel while Station KEZH operates with Class A facilities, we undertook a search which determined that Channel 251 is also available for assignment to Hastings.

5. *Preclusion Studies:*

(a) Preclusion study was done for Channel 251 in Hastings, Nebraska, assuming the transmitter was located approximately 30 kilometers (19 miles) southeast of town due to spacing requirements. Assignment of Channel 251 to Hastings will cause preclusion in all or parts of the following forty-two counties:

Kansas: Smith, Jewell, Republic, Washington, Cloud, Mitchell, Osborne, Rooks, Graham, Norton, Ellis, Trego, Ness, Lane, Grove, Logan, Thomas, Sheridan, Rawlins, Decatur, Phillips, Marshall and Russell;

Nebraska: Seward, Butler, Polk, Merrick, Nance, Howard, Nuckolls, Hall, Hamilton, York, Saline, Filmore, Clay, Thayer, Jefferson, Greeley, Boone, Madison and Wheeler.

(b) Preclusion study was done for Channel 268 in Hastings, with the assumption that the transmitter was located in the center of the city. The assignment of Channel 268 to Hastings will cause preclusion in all or parts of the following thirty-seven counties:

Kansas: Smith, Jewell, Ness, Lane, Trego, Grove, Osborne, Phillips, Cloud, Russell, Lincoln, Ottawa, Rooks and Mitchell;

Nebraska: Custer, Webster, Nuckolls, Harlan, Franklin, Phelps, Gosper, Dawson, Chase, Wheeler, Sherman,

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[1] Public Notice of this Petition was given on February 27, 1980, Report No. 1218.

[2] This opposition was submitted late. However petitioner has availed itself of filing a reply. Therefore we have accepted these comments for consideration.

[3] Population figures are taken from the 1970 U.S. Census.

North Platte, Buffalo, Kearney, Adams, Hall, Clay, Lincoln, Perkins, Keith, Valley, Greeley and Howard.

6. *Comments:*

Hastings: Petitioner states that the assignment of the proposed Class C channel to Hastings with facilities of 100 kW at 500 feet, would provide a first FM service to 842 square kilometers (329 square miles) for 5,410 persons and a second FM service to 2,104 square kilometers (822 square miles) for 13,687 persons. A second Class C channel assignment would provide a second FM service to the unserved areas.

7. Hastings is only 37 kilometers (23 miles) away from the FCC monitoring station in Grand Island, Nebraska. Any operation is expected to avoid causing interference to this station. Cornhusker Television Corporation, licensee of KGIN-TV, Channel 11, Grand Island, Nebraska, submitted comments in opposition to the proposal to assign Channel 268 to Hastings. Although it does not oppose a second channel assignment to Hastings, it argues that harmful interference will be caused to TV receivers tuned to Station KGIN-TV in the vicinity of an FM station operating on Channel 268. It explains that its station's color subcarrier on frequency 202.83 mHz is subject to second harmonic interference (on frequency 203 mHz) from a station operating on Channel 268. Cornhusker states that it does not believe that traps could provide a solution. Typically the Commission does not treat this type of interference as an impediment to the assignment of an FM channel. Instead, certain measures including filters and traps are to be attempted first to remedy the potential problem. See *FM Interference to TV Receivers*, (FCC 67-1012) 6 R.R. 2d 672 (1966). We believe that those measures should also be attempted here.

8. Therefore we shall propose to modify the existing Class A Station KEZH (FM) (Channel 228A) to specify Class C Channel 251 by virtue of the attached *Order to Show Cause*. Station KEZH would be entitled to reimbursement from the ultimate permitte of Channel 268 for the reasonable expenses connected with the change of frequency only. The upgrading of facilities to Class C minimum power and height and a change in sites would not be reimbursable. See *Mtichell, South Dakota*, 62 F.C.C. 2d 70 (1976). Finally, should another interest in the proposed Channel 251 assignment be expressed in comments, the availability of Channel 268 would prevent foreclosure of any other parties from applying for a Class C channel at Hastings. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 62 (1976).

9. Accordingly, the Commission proposed to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the community below, as follows:

City	Channel No.	
	Present	Proposed
Hastings, Nebr.	228A	251,268

10. It is ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, the licensee of Station KEZH(FM), Highwood Broadcasting Corporation, Hastings, Nebraska, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 251 if the Commission determines that the public interest would best be served by adopting the proposed assignment.

11. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station KEZH(FM), Hastings, Nebraska, may not, later than November 20, 1980, request that hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, KEZH(FM) may, not later than November 20, 1980, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. In this case, the Commission may call on KEZH to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is file by the date referred to above, KEZH will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final *Order* will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

12. *Authority:* The Commission's authority to institute rulemaking proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. [Note paragraph 2]

13. *Comments and Replies:* Interested persons and parties may file comments on or before November 20, 1980, and reply comments on or before December 10, 1980.

14. IT IS FURTHER ORDERED, That the Secretary of the Commission SHALL SEND a copy of this *Order* by certified mail, return receipt requested, to Highwood Broadcasting Corporation, 500 J Street, Hastings, Nebraska 68901, the party to whom the *Order to Show Cause* is directed.

15. For further information concerning this proceeding, contact Montrose H. Tyree, 202-632-9660, Broadcast Bureau. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be

considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be funished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-30398 Filed 9-30-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR PART 73

[BC Docket No. 80-569; RM-3621]

FM Broadcast Station in McCook, Nebr.; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and order to show cause.

SUMMARY: Action taken herein proposes to substitute Channel 270 for Channel 276A at McCook, Nebraska, and Channel 231 for Channel 240A and to modify the existing Class A license accordingly, in response to a petition filed by Jerrell E. Kautz.

DATES: Comments must be filed on or before November 20, 1980 and reply comments must be filed on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: October 7, 1980.

By Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Jerrell E. Kautz ("petitioner"), proposing to substitute Class C Channel 295 for Channel 276A (applied for by petitioner). To avoid a conflict with another pending proposal to assign Channel 294 to Norton, Kansas (RM-3643), we are substitu'ing Channel 270 for consideration herein.[2]

(b) The channel assignment can be made to McCook in conformity with the minimum mileage separation requirements.

(c) Petitioner states that he will apply for the channel, if assigned, and abandon plans for the Class A assignment (Channel 276A).

2. *Community Data:*

(a) *Location:* McCook, the seat of Red Willow County, is located approximately 408 kilometers (255 miles) southwest of Omaha, Nebraska.

(b) *Population:* McCook 8,285[3], Red Willow County 12,191.

(c) *Present Aural Broadcast Service:* Daytime only Stations KBRL and KICX, FM Station KICX-FM (Channel 240A) and Channel 276A, unoccupied and applied for by petitioner.

3. *Economic Data:* Petitioner states that the 1970 population of McCook was 8,285 and the projected population for the year 2000 is 12,473. The petitioner further states that the increases indicated, plus the large rural area to be served, require more broadcast service than a Class A assignment can provide. The largely rural component of the area requires wide area coverage to reach the people, and this warrants a Class C assignment.

4. *Preclusion Consideration:* The preclusion study shows that the assignment of Channel 270 to McCook, assuming the transmitter was located in the center of the city, will affect Channels 268, 269A, 270, 271 and 272A in all or parts of the following sixty-one *counties: Colorado:* Sedgwick, Kit Carson, Phillip, Logan and Yuma; *Kansas: Cheyenne, Logan, Ellis, Smith, Kearny, Scott, Graham, Sherman, Gove, Hooks, Osbourne, Finney, Lane, Decatur, Wallace, Trego, Phillips, Hamilton, Wichita, Sheridan and Norton; Nebraska:* Chase, Hayes, Deuel, Logan, Sherman, Phelps, Franklin, Frontier, Box Butte, Brown, Hooker, Loup, Perkins, Dundy, Arthur, Custer, Buffalo, Kearney, Red Willow, Garden, Sheridan, Blaine, Grant, Cheyenne, Lincoln, Keith, McPherson, Dawson, Gosper, Harlan, Hitchcock, Morrill, Cherry, Thomas and Furnas. Petitioner should note whether alternate channels are available in the precluded areas.

5. Although it has been the general Commission policy to assign Class C channels only to large communities, exceptions have been made when the assignment would result in a large first or second FM service or when the assignment of a Class C channel would enable a large rural area to be served. While no *Roanoke Rapids/Anomosa* showing was susbmitted, petitioner states that the assignment will provide a first and second FM service to a substantial area and population. Petitioner should submit a *Roanoke Rapids/Anomosa* showing to support this assertion.

6. Because the assignment of one Class C channel would fail to promote the desirable competitive balance which we seek to achieve in our policy against intermixture of classes in the same community, we are proposing a second Class C assignment, to avoid the intermixture. See *Mitchell, S.D.*, F.C.C. 2d 70 (1976). A study of additional Class C channels available for assignment to McCook, revealed that Channels 231, 286 and 287 could be assigned. Therefore we shall propose to modify the existing Class A station, KICX-FM, to a Class C channel.

7. Station KICX-FM is requested to indicate whether it consents to or is opposed to the proposed change of its channel assignment and the attached *Order to Show Cause* is adopted for that purpose. Its general comments on the appropriateness of the proposal are invited.

8. As for reimbursement, it has been Commission policy to require the party benefitting from a new assignment, i.e., the ultimate licensee of the new station, to reimburse the existing Class A licensee for the change in frequency only. The costs of upgrading to the Class C facilities would not be reimbursable. See *Mitchell, S.D. supra, Gillette, Wyoming*, Docket 21119, 42 FR 47557 (1977). In view of this discussion, petitioner or another interested party

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[1] Public Notice of the Petition was given on March 31, 1980, Report No. 1221.

[2] The Rules require a separation of 240 kilometers (150 miles) between a Class C and and a first adjacent Class C operation. Norton is located 75 kilometers (47 miles) from McCook.

[3] Population figures are taken from the 1970 U.S. Census

should comment on its willingness to provide reimbursement to Station KICX-FM. Finally, if another interest in a Class C channel is stated, then Channels 286 and 287, would be available for assignment, thus no interested party would be foreclosed by this proceeding.

9. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the community of McCook, Nebraska, as follows:

City	Channel No.	
	Present	Proposed
McCook, Nebr.	240A, 276A	231, 270

10. It Is Ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, the licensee of Station KICX-FM, McCook, Nebraska, Semeco Broadcasting Corp., SHALL SHOW CAUSE, why its license should not be modified to specify operation on Channel 231, if the Commission determines that the public interest would be served by adopting the proposed assignment.

11. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station KICX-FM, McCook, Nebraska, may not later than November 20, 1980, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, KICX-FM may, not later than November 20, 1980, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. If the right to a hearing is waived and no written statement is filed by the date referred to above, KICX-FM will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

12. *Authority:* The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

13. *Comments and Replies:* Interested persons and parties may file comments on or before November 20, 1980, and reply comments on or before December 10, 1980.

14. It is further ordered, That the Secretary of the Commission SHALL SEND a copy of this *Order* by certified mail return receipt requested, to Semeco Broadcasting Corporation, 201 West Fourth Street, McCook, Nebraska, 69001, the party to whom the order to show cause is directed.

15. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 80-30397 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-562; RM-3603]

FM Broadcast Stations in Bath and Hammondsport, N.Y.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to assign Channel 276A to Bath, New York, as its first FM assignment in response to a petition from Richard Snavely. In addition it is proposed to reassign Channel 252A from Bath to

Hammondsport, New York, to reflect its use there under the 10-mile rule.

DATES: Comments must be filed on or before November 20, 1980, and reply comments on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-9660.

Adopted: September 18, 1980.

Released: October 2, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making [1] filed by Richard Snavely ("petitioner") proposing the assignment of FM Channel 276A to Bath, New York, as its first FM channel. Opposing comments were filed by Genkar, Inc. (Genkar), licensee of Stations WVIN(AM) in Bath and WVIN-FM in Hammondsport, New York. Petitioner filed a response to this pleading.

2. Bath (population 6,053) [2], seat of Steuben County (population 99,546), is located approximately 140 kilometers (87 miles) southeast of Buffalo, New York. Bath is served locally by daytime-only AM Station WVIN.

3. The channel can be assigned to Bath in compliance with the minimum distance separation requirements provided the transmitter is located at least 10 kilometers (6.3 miles) west of the community.

4. Since Channel 252A, presently assigned to Bath, is being used in Hammondsport, New York,[3] by Station WVIN, pursuant to § 73.203(b) of the Commission's Rules, we shall also propose to modify the FM Table of Assignments to reflect the use of Channel 252A in Hammondsport.

5. Petitioner asserts that Bath is part of a growing area and adds that the community has had almost a 10 percent population increase in the past nine years. It is noted that the assignment will provide the community its first FM and full-time broadcast service. Further, the petitioner states that the addition of Channel 276A to Bath would significantly add to the choice of FM programming in the area.

6. Genkar opposes the asignment arguing that Bath already receives FM service and has a local AM station. Further Genkar states that it has done some preliminary engineering looking toward the possibility of moving Station WVIN-FM to Bath.

7. In reply, petitioner argues that the proposed assignment is justified since it would provide the community with its first FM and nighttime aural outlet, and would not result in any new preclusion. Petitioner reiterates his intention to apply for the channel if assigned.

8. Since the proposed assignment could provide the community of Bath with its first FM and nighttime aural service, we believe it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules for the communities listed as follows:

City	Channel	
	Present	Proposed
Bath, New York	252A	276A
Hammondsport, New York		252A

9. Since Bath is located within 402 kilometers (250 miles) of the U.S.-Canadian border, the proposed assignment of Channel 276A to Bath, New York requires coordination with the Canadian Government.

10. Authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements, are contained in the attached Appendix and are incorporated by reference herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before November 20, 1980, and reply comments on or before December 10, 1980.

12. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 632-9660. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on

[1] Public Notice of the petition was given on March 20, 1980, Report No. 1220.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Hammondsport is located approximately 11 kilometers (7 miles) northeast of Bath, New York.

the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-30399 Filed 9-30-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-564; RM-3615]

FM Broadcast Station in Blairsville, Pa.; Proposed changes in Table of Assignments

AGENCY: The Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: This action proposes to assign Channel 292A to Blairsville, Pa. as its first FM channel in response to a petition from Ada L. Otie, et al.

DATE: Comments must be filed on or before November 20, 1980 and reply comments on or before December 10, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 10554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lip, Broadcast Bureau Area 202: 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: October 2, 1980.

By the Chief, Policy and Rules Divsion:

1. *Petitioner, Proposal, Comments:* (a) *Notice of Proposed Rule Making* is given concerning the assignment of FM Channel 292a to Blairsville, Pennsylvania, in response to a petition[1] filed by Ada L. Otie, et al. ("Petitioner").

(b) Channel 292A can be assigned to Blairsville in compliance with the minimum distance separation requirements, provided the transmitter site is located at least 7 kilometers (4 miles) north of Blairsville.

(c) Petitioner states she will apply for the channel, if assigned.

2. *Community Data:* (a) *Location:* Blairsville is located in Indiana County approximately 64 kilometers (40 miles) east of Pittsburgh, Pennsylvania.

(b) Population: Blairsville—4,411;[2] Indiana County—79,451.

(c) *Local Aural Broadcast Service:* None.

3. *Economic Considerations:* Petitioner states that the area is basically agricultural in nature, however, there is some coal mining and small manufacturing plants. Further, petitioner notes that Blairsville is the center of a large school district and that many students are brought by bus from surrounding rural areas.

4. In view of the apparent need for a first local aural broadcast service in Blairsville, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules with respect to Blairsville, Pennsylvania as follows:

City	Channel No.	
	Present	Proposed
Blairsville, Pennsylvania		292A

5. Since Blairsville is located within 402 kilometers (250 miles) of the U.S.-Canadian border, the proposed assignment is subject to concurrence by the Canadian Government.

6. *Authority:* The Commission's authority to institute rule making proceedings, showings required, cutoff procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

7. Interested parties may file comments on or before November 20, 1980, and reply comments on or before December 10, 1980.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (written or spoken) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentations required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Countereproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be

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[1] Public Notice of the petition was given on March 31, 1980, Report No. 1221.

[2] Population figures are taken from the 1970 U.S. Census.

made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-30400 Filed 9-30-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-561; RM-3612]

FM Broadcast Station in Denison, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to assign Channel 285A to Denison, Texas, as its second FM channel in response to a petition from Grayson Collegiate Communications. It is also proposed to substitute Channel 272A for Channel 285A at Madill, Oklahoma, to avoid a short spacing.

DATES: Comments must be filed on or before November 20, 1980, and reply comments on or before December 10, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-9660.

Adopted: September 18, 1980.

Released: September 29, 1980.

By the Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by Grayson Collegiate Communications proposing the assignment of Channel 285A to Denison, Texas, as its second FM assignment. In order to make the assignment, petitioner proposes the substitution of Channel 272A for Channel 285A at Madill, Oklahoma. Channel 285A at Madill is currently unoccupied and unapplied for. No responses to the petition have been received.

2. Denison (population 24,923) [2] is located in Grayson County (population 83,225) approximately 104 kilometers (65 miles) north of Dallas, Texas. It is served by AM Station KDSX and FM Station KDSQ (Channel 269A), both licensed to Denison-Sherman, Texas.

3. The assignment of Channel 285A to Denison and the substitution of channels at Madill can be made in conformity with the minimum distance separation requirements.

4. Petitioner asserts that Denison is a railroad center, which benefits from farming, manufacturing, oil production, and its close proximity to Lake Texoma.

5. A preclusion study shows that the assignment of Channel 285A at Denison will affect communities in the following eleven counties: *Oklahoma:* Pushmataha, Marshall, Coal, Choctaw, Johnston, Pontotoc, Bryan, Atoka; *Texas*—Lamar, Fannin, Grayson. Petitioner should list the availability of alternate channels in the precluded areas.

6. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules as follows:

City	Channel No.	
	Present	Proposed
Madill, Okla.	285A	272A
Denison, Tex.	269A	269A, 285A

7. Authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements, are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before November 20, 1980, and reply comments on or before December 10, 1980.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 632-9660. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

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[1] Public Notice of the petition was given on March 31, 1980, Report No. 1221.

[2] Population figures are taken from the 1970 U.S. Census.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-30394 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-285; RM-3511; RM-3755]

FM Broadcast Stations in Yakima and Ellensburg, Wash.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time for filing reply comments (order).

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving a proposed FM channel assignment to Yakima, Washington, and a counterproposal to assign the same channel to Ellensburg, Washington.

DATE: Reply comments must be filed on or before October 23, 1980.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1980.

Released: September 25, 1980.

By the Chief, Policy and Rules Division:

1. On June 18, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 43812, published June 30, 1980, in response to a petition filed by Thomas W. Read d.b.a. Read Broadcasting, requesting the assignment of FM Channel 257A to Yakima, Washington. The date for filing reply comments was September 8, 1980.

2. On September 12, 1980, counsel for Read Broadcasting filed a request seeking additional time for filing reply comments to and including October 23, 1980. Counsel had previously asked for a three-week extension. Counsel states that the additional time is needed to prepare and submit additional engineering data.

3. On August 18, 1980, a counterproposal was timely filed by Gerald E. Carpenter, Eric E. Carpenter, and Louis Musso, III d/b/a Tri-County Broadcasting, requesting the assignment of Channel 257A to Ellensburg, Washington.[1] The Commission will separately give public notice of its acceptance and reply comments may address this proposal.

4. Section 1.46 of the Commission's Rules states that extension request must be filed seven days in advance of the deadline date. However, since the Commission inadvertently failed to give timely notice of the counterproposal, and the petitioner's engineering information could be beneficial to the Commission in arriving at a decision in this proceeding, we shall give interested parties an opportunity to comment on the counterproposal by extending the time for filing reply comments to and including October 23, 1980.

5. Accordingly, it is ordered, that the date of for filing reply comments in BC Docket No. 80-285 is extended to and including October 23, 1980.

6. Authority for this action is contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 80-30405 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

[1] The assignment of Channel 228A as an alternative to Channel 257A at Yakima, was suggested by Tri-County Broadcasting. However, that assignment would not meet the mileage separation requirements and will not be proposed.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Proposed Regulations: Permit Application Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Proposed rulemaking.

SUMMARY: The National Marine Fisheries Service (NMFS) proposes to amend the foreign fishing regulations as follows: (1) Change the permit application fee, that currently varies by vessel size and activity, to a flat fee of $50.00. The new fee will recover the costs of processing the application; (2) Move the definitions of vessel activities from § 611.22, Fees, to section 611.3, Permits; and (3) Allow the Assistant Administrator for Fisheries to refund permit application fees in the special case of a drastic reduction of the expected allocaton between the time permit applications are submitted and the time allocations are awarded.

DATE: Comments should be received on or before November 17, 1980.

ADDRESS: Comments should be sent to: Denton R. Moore, Chief, Permits and Regulations Division, F/CM7, National Marine Fisheries Service, 3300 Whitehaven St., NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Susan E. Jelley, Telephone (202) 634-7432 or 653-5526.

SUPPLEMENTARY INFORMATION: The foreign fishing regulations, § 611.22(a), assess permit application fees based on the size and activity of the vessel. Catching vessels pay $1.00 per gross registered ton (GRT), processing vessels pay $0.50 per GRT up to $2,500.00, non-retention catching vessels pay $200.00 per vessel, and "other support" vessels pay $200.00 per vessel. Permit fees are paid when the application is submitted, and are not refundable. NMFS has reviewed the fee schedule and proposes the following amendments to recover the costs of processing applications, as required by 31 U.S.C. section 483a (the Independent Offices Appropriation Act), and to simplify application procedures. A proposed rulemaking revising the poundage fee will be published later.

The first amendment is to charge a fee of $50.00 per application, without regard to the size or activity of the vessel. The cost of processing a permit application was established by using the following data:

Cost of Processing Foreign Fishing Vessel Permit Applications

Department of State:	
Salaries	$13,000
Duplicating	1,250
Mailings	628
Federal Register notices	18,480
Total	33,358
Department of Commerce:	
Salaries	26,800
Computer processing	18,000
Printing of forms	22,800
Messenger service	300
Total	67,900
Grand Total	101,258

The cost of processing a permit application is $101,258 divided by 2,100 applications, which equals $48.22. This is rounded to $50.00 per application.

The second proposed amendment is to move the definitions of vessel activities from § 611.22, Fees, to section 611.3, Permits. It is also proposed to reclassify scouting activities from "catching" to "other support." Thus, a country that has signed a Governing International Fisheries Agreement may receive a vessel permit to scout for fish, even if that country does not have an allocation.

Finally, it is proposed to allow the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) to refund permit application fees in the special case of a drastic reduction of the expected allocation between the time permit applications are submitted and the time allocations are awarded. In 1980, for example, the total allowable level of foreign fishing for Tanner crab was halved just before the fishery opened.

The Assistant Administrator has determined that these proposed amendments do not constitute a major Federal action within the meaning of the National Environment Policy Act of 1969, as amended. Therefore, no environmental assessment or environmental impact statement is required. The Assistant Administrator also has determined that this amendment does not constitute a significant action in that it will not substantially or materially alter that portion of the foreign fishing regulations governing fees, and therefore does not require the preparation of a regulatory analysis under Executive Order 12044.

(16 U.S.C. 1801 *et seq.*)

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

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

It is proposed to amend 50 CFR Part 611 as follows:

§ 611.3 [Amended].

a. Delete paragraph (f).

b. Reletter paragraphs (d) and (e) and (f), respectively.

c. Insert the following new paragraph (d):

* * * * *

(d) Each vessel will be authorized for one of the following activities:

Class 1: *Catching, processing, and/or other support,* as defined in § 611.2(r).

Class 2: *Processing and/or other support,* as defined in § 611.2(r)(2) and (r)(3).

Class 3: *other support,* as defined in §§ 611.2(r)(2), 611.2(r)(3)(ii), and 611.2(r)(3)(iii).

* * * * *

§ 611.22 [Amended].

a. Delete Table 1 and paragraph (a)(1)(ii).

b. Delete paragraph (a)(1)(i) and replace it with the following:

(a) * * *

(1) *Permit fees.* (i). Each vessel permit application submitted under section 611.3 must be accompanied by a fee of $50.00 per vessel, plus the surcharge authorized under § 611.22(c). At the time the application is submitted to the Department of State, the fees must be sent to the National Marine Fisheries Service (see § 611.22 (a)(3)). The permit fee payment must be accompanied by a list of the vessels for which the payments are made.

(ii). Permit fees may be refunded if the application is not approved. On a case by case basis, the Assistant Administrator may refund permit fees if the country allocation is significantly and unexpectedly reduced.

On a case by case basis, the Assistant Administrator may allow the substitution of a similar vessel when the originally permitted vessel is disabled or otherwise cannot participate in the fishery.

[FR Doc. 80-30261 Filed 9-30-80; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 651

Atlantic Groundfish Fishery; Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Approval of an amendment to the Fishery Management Plan for Atlantic Groundfish (cod, haddock, yellowtail flounder); proposed regulations and request for comments.

SUMMARY: The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) has approved an amendment to the Fishery Management Plan for the Atlantic Groundfish Fishery (FMP), which was prepared by the New England Fishery Management Council (Council). Regulations to implement the management measures contained in the amendment are proposed.

The amendment increases annual optimum yields for cod, haddock, and yellowtail flounder and provides for corresponding adjustments in annual commercial and recreational quotes, quarterly commercial quota guidelines, and vessel class allocations. The optimum yield increases are based on improved stock conditions, as indicated by resource assessments. The new optimum yields will remain in effect until further amended.

DATE: Comments on the proposed regulations are invited for a 60-day period. All comments must be submitted in writing on or before December 1, 1980.

ADDRESS: All comments should be sent to: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Mark "Groundfish Comments" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., at the above address; Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: In July 1979, a Council amendment to the Atlantic Groundfish FMP was approved and implemented on an emergency basis (44 FR 42977). The amendment increased optimum yields (OYs) for cod and haddock only for the last quarter of the 1978-1979 fishing year (July 1-September 30). This action was based on groundfish assessments by the Northeast Fisheries Center, NMFS/ NOAA, made available in February 1979. These 1979 assessments indicated that: (1) the cod stocks remain above their historic average level of abundance; (2) the haddock population remains near its historic average level of abundance with new evidence of good recruitment into the fishable population in 1980 or 1981; and (3) the abundance of yellowtail flounder in the two management areas has stabilized over the past few years.

In September 1979, the Council submitted to the Secretary a draft

Supplement to the Environmental Impact Statement/Amendment to the Atlantic Groundfish FMP. This amendment proposed: (1) increased annual optimum yields and commercial quotes for the fishing year based on the 1979 stock assessments; (2) revised Canadian and recreational allocations; and (3) revised quarterly vessel class allocations and quarterly commercial quota guidelines. The increased optimum yields and quotes are based largely on the 1979 stock assessments with additional support from the 1980 assessments provided by the Northeast Fisheries Center. Implementation of the amendment could not occur before well into the 1979–1980 fishing year which began October 1, 1979. Because of this and because the FMP is a multi-year document, the optimum yields and comemrcial quotes reverted on October 1, 1979, to those in the FMP as of October 1, 1978. These latter quotes as well as new catch limitations (pounds of fish per vessel per week or trip) for the first quarter of the 1979–1980 fishing year were publsihed on September 28, 1979 (44 FR 55885).

The Council's amendment would change the optimum yields and quotes as indicated in the following table.

Revised Annual Optimum Yield, U.S. Commercial and Recreational Quotas, and Canadian Allocations

[In metric tons]

Species/area	Optimum yield (annual)	U.S. commercial quota (annual)	U.S. recreational quota (annual)	Canadian allocation (annual)
Cod—Gulf of Maine	12,000	9,500	2,500	0
Cod—Georges Bank and south	35,000	29,620		[1]5,380
Haddock—all areas	[2]32,500	[2]25,250	2,000	5,250
Yellowtail flounder:				
East of 69° W.	5,000	5,000		0
West of 69° W.	5,000	5,000		0

[1] Includes an unspecified U.S recreational allocation.
[2] Optimum yield and commercial quota allocated 30 percent to Gulf of Maine (OY—9,750 mt; commercial quota—7,575 mt) and 70 percent to Georges Bank and South (OY—22,750 mt; commercial quota—17,675 mt).

The Council's amendments to the Atlantic Groundfish FMP are approved. The FMP is amended by the following changes:

1. Table 54 ("Sumary of harvests, yields, U.S. capacity, and foreign surplus") is amended by deleting the number 8,500 under the column headed "Optimum Yield" for Cod, Gulf of Maine, and substituting the number 12,000.

2. Table 54 is amended by deleting the number 26,000 under the column headed "Optimum Yield" for Cod, Georges Bank and South, and substituting the number 35,000.

3. Table 54 is amended by deleting the number 20,000 under the column headed "Optimum Yield" for Haddock (all areas), and substituting the number 32,500. Note that the amended OY of 32,500 metric tons (mt) is allocated 9,750 mt to the Gulf of Maine and 22,750 mt to Georges Bank and South.

4. Table 54 is amended by deleting the number 4,400 under the column headed "Optimum Yield" for Yellowtail Flounder, East of 69° W., and substituting the number 5,000.

5. Table 54 is amended by deleting the number 3,700 under the column headed "Optimum Yield" for Yellowtail Flounder, West of 69° W., and substituting the number 5,000.

6. Section II.C.3.a. ("Optimum Yield and U.S. Capacity—Cod") is amended by deleting the last paragraph and substituting the following:

The annual optimum yields for cod are specified as follows: Gulf of Maine—12,000 metric tons; Georges Bank and South—35,000 metric tons.

7. Section II.C.3.b. ("Optimum Yield and U.S. Capacity—Yellowtail Flounder") is amended by deleting the last sentence of the first paragraph and substituting the following:

The annual optimum yield for yellowtail flounder is 10,000 metric tons. The optimum yield will be allocated 50 percent to the area east of 69° West Longitude (5,000 mt) and 50 percent to the area east of 69° West Longitude (5,000 mt).

8. Section II.C.3.c. ("Optimum Yield and U.S. Capacity—Haddock") is amended by deleting the second sentence of the first paragraph and substituting the following:

The annual optimum yield for haddock is 32,500 metric tons. The optimum yield will be allocated 30 percent to the Gulf of Maine (9,750 mt) and 70 percent to Georges Bank and South (22,750 mt).

9. Section II.C.4.(A)(1)(a) is amended by deletion and substitution of the following:

(a) It is recommended that annual landings of cod from the Gulf of Maine be limited to 9,500 metric tons (U.S. commercial) and 2,500 metric tons (U.S. charter boat and head boat).

10. Section II.C.4.(A)(1)(b) is amended by deletion and substitution of the following:

(b) It is recommended that annual landings of cod from Georges Bank and South be limited to 29,620 metric tons (U.S. commercial) and 5,380 metric tons (Canadian commercial allocation and an unspecified U.S. recreational allocation).

11. Section II.C.4.A.(1)(c) is amended by deletion and substitution of the following:

(b) It is recommended that cod annual quotas for the United States commercial fishery be allocated on a quarterly basis during the fishing year as follows:

[In metric tons]

Quarter	Gulf of Maine	Georges Bank and South
October 1 to December 31	2,250	7,595
January 1 to March 31	2,215	6,190
April 1 to June 30	2,790	8,255
July 1 to September 30	2,245	7,580

The catch of the fixed gear vessel class shall be allocated quarterly to reflect the historic record of landings. When the quarterly quota is taken, fixed gear fishing shall close for the regulated species.

12. Section II.C.4.(A)(1)(a) is amended by deletion and substitution of the following:

(a) It is recommended that annual landings of yellowtail flounder from areas east of 69° West Longitude be limited to an annual quota of 5,000 metric tons allocated on a quarterly basis during the fishing year as follows:

Quarter	Quarterly catch quota (mt)
October 1 to December 31	920
January 1 to March 31	1,705
April 1 to June 30	720
July 1 to September 30	1,655

13. Section II.C.4.(A)(2)(b) is amended by deletion and substitution of the following:

(b) It is recommended that U.S. landings of yellowtail flounder from the areas west of 69° West Longitude be limited to an annual quota of 5,000 metric tons allocated on a quarterly basis during the fishing year as follows:

Quarter	Quarterly catch quota (mt)
October 1 to December 31	1,295
January 1 to March 31	1,555
April 1 to June 30	1,120
July 1 to September 30	1,030

Quarterly allocations may be adjusted upon publication of a notice in the **Federal Register.**

14. Section II.C.4.A.(3)(a) is amended by deletion and substitution of the following:

(a) It is recommended that the annual landings of haddock from the Gulf of Maine and Georges Bank and South be limted to 25,250 metric tons (U.S. commercial), 2,000 metric tons (U.S. charter boat and head boat), and 5,250 metric tones (Canadian commercial).

15. Section II.C.4.A.(3)(b) is amended by deletion and substitution of the following:

(b) It is recommended that the haddock anual quota of 25,250 metric tons for the U.S. commercial fishery be allocated on a quarterly basis during the fishing year as follows:

[In metric tons]

Quarter	Gulf of Main	Georges Bank and South
October 1 to December 31	1,760	2,855
January 1 to March 31	1,855	3,255
April 1 to June 30	2,400	6,700
July 1 to September 30	1,560	4,865

The catch of the fixed gear vessel class shall be allocated quarterly to reflect the historic record of landings. When the quarterly quota is taken, fixed gear fishing shall close for the regulated species.

In addition to the foregoing, these regulations would make minor editorial changes in the definitions of vessel classes in § 651.22 ("Vessel class and gear limitations") of the final regulations (44 FR 890). These changes are to clarify the definitions of the three vessel classes for mobile gear.

A draft Supplement to the Environmental Impact Statement covering these amendments was prepared and filed with the Environmental Protection Agency (EPA) on November 6, 1979 (see Notice of Availability, 44 FR 66243). This draft has been revised and a final SEIS will be filed with EPA prior to publishing final regulations.

Proposed regulations to implement the FMP amendment are presented below, and comments are invited. The Assistant Administrator has made an initial determination that these proposed regulations are significant under the provisions of NOAA Directive Manual, Chapter 21, Section 24, which implements Executive Order 12044. A draft regulatory analysis (RA) was prepared and sent to the Chief Economist (Department of Commerce) for review and comment on December 6, 1979. The RA may be obtained from the Regional Director at the above address. A final RA will be prepared for submission to and approval by the Administrator of NOAA prior to issuance of the final regulations.

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

(16 U.S.C. 1801 *et seq.*)

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 651 is proposed to be amended as follows:

Section 651.22(a)(1) is proposed to read as follows:

§ 651.22 Vessel class and gear limitations.

(a) * * *

(1) Mobile gear:

(i) 0 to 60 (inclusive) gross registered tons.

(ii) Over 60 to 125 (inclusive) gross registered tons.

Over 125 gross registered tons.

* * * * *

Appendix A—Quarterly and Annual Quotas [Amended]

Appendix A is proposed to read as follows:

Appendix A.—*Quarterly Quotas*

[In metric tons]

	October 1 to December 31	January 1 to March 31	April 1 to June 30	July 1 to September 30	Annual
Cod—Gulf of Maine (commercial):					
Mobile gear:					
0-60 GRT	921	1,106	1,265	757	4,049
Over 60-125 GRT	542	438	415	420	1,815
Over 125 GRT	285	270	88	88	731
Fixed gear	502	401	1,022	980	2,905
Total	2,250	2,215	2,790	2,245	9,500
Cod—Georges Bank and South (commercial):					
Mobile gear:					
0-60 GRT	675	798	873	491	2,837
Over 60-125 GRT	2,393	2,109	3,006	1,832	9,340
Over 125 GRT	3,983	2,865	3,266	3,184	13,298
Fixed gear	544	418	1,110	2,073	4,145
Total	7,595	6,190	8,255	7,580	29,620
Haddock—Gulf of Maine (commercial):					
Mobile gear:					
0-60 GRT	422	353	1,114	484	2,393
Over 60-125 GRT	631	506	443	388	1,968
Over 125 GRT	431	489	201	208	1,329
Fixed gear	256	507	642	480	1,885
Total	1,760	1,855	2,400	1,560	7,575
Haddock—Georges Bank and South (commercial):					
Mobile gear:					
0-60 GRT	129	61	225	236	651
Over 60-125 GRT	976	994	2,675	1,537	6,182
Over 125 GRT	1,701	2,092	3,676	2,584	10,053
Fixed gear	49	108	124	508	789
Total	2,855	3,255	6,700	4,865	17,675
Yellowtail flounder—East of 69° W. (commercial and recreational):					
All vessel Classes	920	1,705	720	1,655	5,000
Yellowtail flounder—West of 69° W. (commercial and recreational):					
All vessel Classes	1,295	1,555	1,120	1,030	5,000

[FR Doc. 80-30262 Filed 9-30-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 192
Wednesday, October 1, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Order 80-9-148; Docket Nos. 20051, 20700, Agreements CAB 20560, etc.]

Airlines Scheduling Committees et al.; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1980.

Application of the Airline Scheduling Committees, for prior approval of an amendment extending the New York, Chicago and Washington Scheduling Committee Agreements, Docket 20051, Agreements CAB, 20560, 20561, 20562 as amended; Agreement between Various Air Taxi Operators, relating to the establishment of a scheduling committee, Docket 20700, Agreement, CAB 20809.

On July 22, 1980 the Attorney-in-Fact for the Parties to the New York, Chicago and Washington Scheduling Committee Agreements (Agreements CAB 20560, 20561 and 20562) filed an amendment for prior approval under section 412 of the Federal Aviation Act which would extend the life of these agreements until October 25, 1981. Continued antitrust immunity is also sought under section 414. Under the provisions of the Administrative Procedure Act[1] if we do not act by October 25, the previous approval and immunization of the agreements will continue until such time as we act on the renewal application. The current agreements are scheduled to expire on October 25, 1980.

The Scheduling Committee Agreements were first approved nearly twelve years ago by Order 68-12-11, December 3, 1968, and they have been reapproved with little or no discussion on several subsequent occasions, most recently by Order 79-1-119, January 19, 1979. Their purpose has been to achieve a voluntary division of take-off and landing rights (or "slots") among certificated airlines serving four major metropolitan airports whose flight operations are curtailed under the High Density Rule imposed by the Federal Aviation Administration (FAA).[2] 14 CFR 93.121 *et. seq.*; FAR 93, Sub Part K, 33 FR 17, 893, 34 FR 29, 464. The High Density Rule establishes quotas for certificated carriers, commuters and general aviation but does not prescribe specifically how the slots assigned to the certificated carriers and commuters are to be allocated. The Airline Scheduling Committee Agreements have not yet been tested under the recently amended, pro-competitive standards of sections 412 and 414, as amended by the Airline Deregulation Act of 1978 (Pub. L. 95-504) and the International Air Transportation Competition Act of 1979 (Pub. L. 96-192).

Amended section 412 states that after periodic review we may not continue to approve agreements which are significantly anticompetitive unless we find that continued approval is warranted under the standards of that section. Consistent with that obligation, we are instituting an investigation to determine whether the Scheduling Committee Agreements should continue to be approved and receive antitrust immunity. This investigation will also examine a previously approved agreement (Agreement CAB 20809) for allocating take-off and landing rights among commuter carriers serving the Washington National Airport.[3] Pending our investigation we will approve the certificated carriers' agreements for another six months, and allow our approval of the commuter agreement at National Airport to continue.

The FAA has announced that in a future Notice of Proposed Rulemaking on Operating Slot Allocation it will examine various alternative methods for allocating slots at National Airport. *See* 45 FR 62398, 62401, Special Part 5, September 18, 1980. Our investigation will have a different focus. The purpose of this proceeding is not to prescribe a particular method of allocating slots. Rather, our function under section 412 is to determine whether the agreements are substantially anticompetitive and, if so, whether a reasonably available, materially less anticompetitive alternative means exists for achieving their desired objectives. Thus, we need not recommend a specific alternative; we need only find that a reasonably available, materially less anticompetitive alternative exists. The proceeding that we are instituting by this order will also assist us in making a recommendation to the FAA in its consideration of alternatives. We recognize that the CAB and FAA proceedings will have some issues in common, and we welcome the filing in our dockets of relevant argument or information that has been or will be submitted to the FAA.

Airline Scheduling Committee Agreements

The purpose of the Scheduling Committee Agreements is to facilitate compliance with the FAA's High Density Rule by providing machinery for allocating the slots assigned to certificated and foreign carriers. There is a separate agreement and committee for each city subject to the High Density Rule—Chicago, New York and Washington. Committees meet twice a year and negotiate until an agreement is reached for each airport. Since the agreements themselves and Order 68-12-11 permit only "voluntary adjustments" in carrier schedules, decisions on allocating slots have been unanimous. As a condition to our approval, the signatories to the various agreements may not discuss "schedules in particular city pairs or submit information concerning their proposed service or schedules in such a fashion as to indicate the city pair involved." They also may not discuss "rates, fares, charges or in-flight and other services in connection with air transportation." Advance notice of all meetings is required and meetings must be open to representatives of the Board, the U.S. Department of Transportation (DOT), the FAA, civic representatives and all carriers authorized to participate in the discussion.[4]

[1] 5 U.S.C. 558(c).

[2] These airports are Washington National Airport (Washington, D.C.), O'Hare International Airport (Chicago), John F. Kennedy International Airport (New York) and LaGuardia Airport (New York).

[3] This agreement and the Scheduling Committee Agreements are commonly referred to as "slot agreements".

[4] For a description of the mechanics of the negotiating process, *see* Alternative Methods of Allocating Airport Slots: Performance and Evaluation (available for review in Docket 20051) Polinomics Research Laboratories, Inc., at IV-2 through IV-7.

Washington National Commuter Agreement

A separate agreement provides for the allocation of slots assigned to commuter air carriers serving the Washington National Airport. The procedures employed for allocating these slots, however, differ in several respects from those used by the certificated and foreign carriers in their scheduling committees. Since 1967, under the FAA's High Density Rule, commuter slots at Washington National have been limited to eight per hour, while the certificated carriers have been allocated 40.[5] In that year, commuters operating at the airport formed the Washington National Commuter Airline Association (WNCAA) to allocate the slots assigned to them. The slots already occupied were "grandfathered" to the incumbents. Unlike the certificated carrier method, in which all slots are subject to semi-annual reallocation, the WNCAA method permits incumbent commuters to retain their slots as long as they are in use. Slots that are relinquished are allocated to other users based on seniority of service at the airport.

Because our regulations exempt commuter airlines from section 412, WNCAA's cooperative working arrangement did not have to be filed for Board approval. However, in 1969 various commuter carriers voluntarily sought Board approval of a slot agreement, and by Order 69–2–52, obtained approval subject to virtually the same conditions as were imposed on the certificated airline arrangement. This agreement, however, was quite vague and contained no description as to precisely how slots were to be allocated pursuant to it. Moreover, the agreement was approved for an indefinite period.

In recent years there has been a substantial and unsatisfied demand for commuter slots at Washington National. There are approximately 20 commuter carriers currently on the waiting list.[6] Because of the grandfather practice, there has been little turnover of slots and little incentive on the part of the incumbents to turn slots over to potential competitors. During the course of our investigation, we except to take a close look at what effect the foregoing policy has had on competition among commuters at National and on air service to small communities and isolated areas.

The Statutory Standards

Our decision to undertake a comprehensive review of slot agreements is prompted by the recent amendments to the Federal Aviation Act and the changes in the airline industry that have occurred as a result. Both section 412, governing our approval of inter-carrier agreements, and section 414, concerning antitrust immunity, were amended to promote competitive aims. Deregulation has resulted in the certification of new air carriers and increased authorizations for carriers to expand their existing operations to serve these already congested airports. We must therefore be concerned about the impact of he slot agreements on new entry. While the FAA has broad authority to control the use of airspace, we are obligated to examine the above agreements that have, with the Board's explicit approval, served as the mechanism or allocating the total number of permissible hourly takeoffs and landings.

Section 412 requires that we disapprove those agreements which we find to be adverse to the public interest or in violation of the Act, whether or not we have previously approved them. As amended, it specifically directs that we may not, after periodic review, continue to approve an existing agreement which "substantially reduces or eliminates competition" unless we find that it is necessary "to meet a serious transportation need or to secure important public benefits, including international comity or foreign policy considerations" which cannot be "secured by reasonably available alternative means having materially less anticompetitive effects* * *". *See* section 412(a)(2)(A)(i). Consequently, it is necessary for us to determine whether an agreement has a proscribed anticompetitive effect and, if so, whether there is an offsetting need or benefit that cannot be achieved through a reasonably available, materially less anticompetitive alternative.

Section 414, as amended, has a pro-competitive thrust similar to that of section 412. There have been three basic changes to that provision. First, the Board generally has discretion to grant or deny antitrust immunity, whereas in the past immunity flowed automatically from the approval of an agreement under section 412. Second, this general right to confer immunity may be exercised only if required by the public interest and only to the extent needed to enable a transaction to proceed. Third, where we decide, under section 412(a)(2)(A)(i), to approve an aggreement that substantially reduces or eliminates competition because of overriding public interest considerations, we must confer immunity to the extent it is needed to enable the approved transaction to proceed.

In view of the above statutory standards, we solicit comments on the question of whether slot agreements substantially reduce or eliminate competition within the meaning of section 412.[7] Those asserting that slot agreements substantially reduce or eliminate competition should explain in detail precisely why they believe the agreements are anticompetitive. In addition, we ask that these comments identify with specificity the particular provisions of the agreements or practices that are anticompetitive.

We also are seeking suggestions for modifying the agreements to cure any alleged anticompetitive effects. For example, would the agreements be less anticompetitive if we required that slots be freely transferable in an after market? Is it likely that the present scheduling committee discussions would be less anticompetitive if the participants were prohibited from discussing current slot allocations? Should a procedure be established for distributing slots that are not used or are underutilized, and if so, what standards should be developed to make these determinations?

In Order 80–9–100, we tentatively interpreted Order 68–12–11 to permit Texas International Airlines to transfer any slots acquired by it in scheduling committee meetings to its corporate affiliate, New York Air Lines, Inc. We decided this issue on narrow grounds so we could receive comments before dealing with broader questions. Consequently, we invite comments on whether an how potential entrants should be permitted to participate in scheduling committees before thay have been certificated by the Board in cases where the new entrant proposes to begin service during the period under discussion by the Committee.

If members of the Airline Scheduling Committees, WNCAA or other interested persons assert that slot agreements do not substantially reduce or eliminate competition, they should explain the need for continued immunization under section 414.

[5] The FAA has proposed reducing the certificated air carrier slots to 36 and raising the slots assigned to the commuter carriers to 12. *See* 45 FR 62398, Special Part 5, September 18, 1980.

[6] See *Aviation Week and Space Technology*, August 25, 1980, at 27.

[7] As noted above, we are incorporating into Docket 20051 the Polinomics Report and the comments filed in response to it. We ask that those commenting in this proceding, to the extent possible, supplement rather than repeat any earlier comments.

We would appreciate comments on various proposed alternatives to slot agreements. Those contending that the agreements substantially reduce or eliminante competition should provide a detailed description of reasonably available, materially less anticompetitive alternatives to slot agreements. In particular, we would like to know how these alternatives would be implemented, whether they would be consistent with the public interest objectives of the Federal Aviation Act, and what, if any, type of transition period should be employed to minimize disruptions and hardships to air travelers.

We would also welcome comments from those who assert that the suggested alternatives to slot agreements are impractical, substantially anticompetitive or otherwise inconsistent with the goals of the Act. Objections to the alternatives should be specific and, where possible, supported by detailed information. Comments dealing with alternatives should be submitted even if those commenting maintain that slot agreements are not anticompetitive.

We are, of course, mindful of our mandate to maintain a comprehensive and convenient system of continuous scheduled airline service for small communities and isolated areas. We are also sensistive to the fact that service at slot-controlled airports is of particular concern to various foreign air carriers and their governments. Therefore, we will examine the effect that slot agreements have had on the provision of such service to date and the effect that the continuation of the present agreements or the implementation of atlernatives might have in the future.

Possible Alternatives

Under section 412, we may not approve any agreement that would substantially reduce competition unless the agreement is necessary to meet a serious transportation need or secure important public benefits that cannot be secured through a "reasonably available alternative means having materially less anticompetitive effects". We are therefore seeking specific momments on some of the most commonly suggested alternatives to the existing slot agreements. There are obviously others and we also solicit comments on all reasonable alternatives. The four options that should be addressed in comments are:

(1) *Continue approval of the existing agreements with modifications.* We could continue to grant antitrust immunity to the agreements, but require that they be modified.

(2) *First come, first served.* The FAA could apply its general policy of first-come, first-served landing rights to the High Density Airports as it does for those which are not at capacity. When the ceiling has been reached for an hour, planes would be held to the next hour, *i.e.* stacked, or diverted to another area airport.

(3) *Administrative Allocation.* A formula could be utilized to distribute slots. We, therefore, solicit comments on various administrative allocation schemes that are consistent with the objectives of the Act.

(4) *Time Differentiated Fees.* Slots could be allocated through a price mechanism. Pricing approaches to slot allocation recommended by the Polinomics, Inc. and Econ, Inc. studies (available for review in Docket 20051) could be one-bid or multiple-bid, with the price paid by all successful bidders that of the lowest successful bid for an hour. Slots could be divided into categories for different types of carriers, and slots be reserved for small community service. Carriers that acquire slots could sell them in an aftermarket.

Procedural Schedule

We encourage broad, diverse and active participation in the proceeding we are instituting—not only be the airline industry, but also by airport operators, local communities, government agencies and other concerned persons. Procedurally, we will allow comments on the issues set forth above to be filed 45 days after the date of service of this order. We will allow reply comments to be filed 15 days thereafter. After the close of the comment period, we may hold an informal panel discussion to explore the issues that have been raised.

Additional Matters

We will ensure that there is a smooth transition to some other regime in the event that we decide to disapprove the existing slot agreements. We will therefore grant the application in Docket 20051 and approve the Scheduling Committee Agreements for anoter six months. In light of our previous approval of those agreements, we find that continued approval at this time woud be neither adverse to the public interest or in violation of the Act. We also find that the public interest requires that we grant continued antitrust immunity under section 414. We note, however, that section 412 provides continuing authority to disapprove previously approved agreements.

We also will dismiss several outstanding requests for relief in Docket 20051. These requests are now moot because of the action we are taking. First, various Norfolk, Virginia Parties[8] have asked that we condition our approval of the Airline Scheduling Committee Agreements to require that a replacement carrier be given the right of first refusal to a slot relinquished by a carrier discontinuing substantial service in a nonstop market which involves an airport subject to a slot agreement. Second, comments filed on behalf of the Peninsula (Newport News, Virginia) Airport Commission ask that we withhold approval of the Scheduling Committee Agreements until that community is assured that a sufficient number of slots will be set aside at Washington National for Newport News service. In addition, Texas International Airline (TI) asks that it be ensured sufficient slots at National should it commence service there. We believe that the concerns raised by the Norfolk Parties, Peninsula and TI would be better addressed in the broad context of our proposed investigation and we are therefore dismissing these requests. The United States Department of Justice has an outstanding motion in Docket 20051 requesting that we set the Scheduling Committees Agreements for hearing. In view of our decision to investigate these agreements, the Department's motion will be dismissed. Of course, all of these parties are encouraged to participants fully in this proceeding.

Accordingly,

1. We institute an investigation in Docket 20051 to determine whether we should continue to approve Agreements CAB 20560, 20561 and 20562, as amended, and Agreement CAB 20809 under section 412 of the Federal Aviation Act, as well as imminuze them under section 414;

2. Comments in response to the issues outlined above are due 45 days from the date of service of this order and reply comments are due 15 days after the date comments are due;

3. We approve Agreements CAB 20560, 20561 and 20562, as amended, under section 412 for a period of six months from the date of service of the order and subject to the same conditions imposed on previous approvals;

4. We exempt under section 414 all persons affected by our reapproval of Agreements CAB 20560, 20561 and 20562 from the operations of the antitrust laws; and

[8] The Norfolk Port and Industrial Authority, the City of Norfolk, the City of Suffolk, the City of Virginia Beach, the Chesapeake Chamber of Commerce, the Norfolk Chamber of Commerce, the Portsmouth Chamber of Commerce, the Suffolk Chamber of Commerce and the Virginia Beach Chamber of Commerce.

5. We dismiss as moot the various requests for relief in Docket 20051 filed by the Norfolk Parties, the Peninsula Airport Commission, Texas International Arilines, Inc., and the United States Department of Justice.

This order will be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[9]

Secretary.

[FR Doc. 80-30496 Filed 9-30-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 38629]

United States and People's Republic of China, Service Proceeding; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on Thursday, October 16, 1980, at 9:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before Friday, Ocober 10, 1980, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., September 25, 1980.

Craig Lindsay,

Acting Secretary.

[FR Doc. 80-30495 Filed 9-30-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00 pm and will end at 9:00 pm on October 30, 1980, at the Lord Cromwell Inn, Route 72, Cromwell, Connecticut. The purpose of the meeting is to discuss hate group activities; battered women report and a report on the Stamford Public Forum.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, John Rose, Jr., P.O. Box 3216, Hartford, Connecticut 06103, 203—525-4700; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30434 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee to the Commission will convene at 4 p.m. and will end at 6 p.m., on October 21, 1980, at the Connecticut Education Association, Research Office, Bridgeport, Connecticut. The purpose of the meeting will be to discuss the Battered Women Report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, John Rose, Jr., P.O. Box 3216 Hartford, Connecticut 06103, 203-525-4700; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (8) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30438 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

Florida Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida Advisory Committee to the Commission will convene at 7:30 pm and will end at 9:30 pm, on October 22; will convene at 10:00 am and will end at 12:30 pm, on October 23, 1980, at the Sheraton Hotel, 224 E. Garden Street, Pensacola, Florida 32501. The purpose of the meeting on 10/22 is to discuss schedule for press conference on 10/23 and Commission Hearing in Miami; on 10/23 meeting will be to release Advisory Committee report on Escambia County.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ted Nichols, University of Miami, Coral Gables, Florida 33124, 305-284-3064; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, 404-242-4391.

The meetings will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30436 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

Hawaii Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 5:00 p.m., on October 25, 1980, at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, Hawaii. The purpose of this meeting is to plan education project and discuss rechartering of Advisory Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Patricia K. Putman, 1910 Ala Moana Boulevard, Honolulu, Hawaii 96815, (808) 948-7355; or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, Calif. 90010, (213) 798-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30437 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

Maryland Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 9:30 p.m., on November 19, 1980, at the Baltimore/Washington International Airport, South Terminal, Conference Room #1 (near the cafeteria), Baltimore, Maryland. The purpose of the meeting will be to discuss adoption of the Statewide Conference report draft.

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[9] All members concurred.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Newton I. Steers, Jr., 6601 River Road, Bethesda, Maryland 20034, 301-320-5820; or the Mid-Atlantic Regional Office, 2120 L Street, NW., room 510, Washington, D.C. 20037, 202-254-6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30430 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

Montana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 Noon, on October 25, 1980, at the Federal Building, 200 East Broadway, East Conference Room, Missoula, Montana. The purpose of the meeting will be to plan for press conference to release the report *Access to the Legal Profession in Montana*, followed by a press conference to release the report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Augustine Lopez, Pupil Services, 101 60th Street West, Billings, Montana 59102, 406—248-7421, or the Rocky Mountain Regional Office, Brooks Tower, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 327-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30431 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee to the Commission will convene 10:00 am and will end at 6:30 pm, on October 25, 1980, at the Holiday Inn Downton, Fourth and Town Streets, Columbus, Ohio 43215. The purpose of this meeting is to report on SAC Chairperson's Conference; discussion of police report release; and program plans for fiscal year 1981 and 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Henrietta H. Looman, 1222 Woodland Avenue, N.W., Canton, Ohio 44703, 216-454-2278; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, 312-353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulation of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30435 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee will convene at 5:00 pm and will end at 6:30 pm, on October 22, 1980, at the Brown University, Third World Center, 96 Angell Street, Providence, Rhode Island. The purpose of this meeting is to discuss consultation and program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miriam E. Satterfield, 54 Arbor Drive, Providence, Rhode Island 20908, 401-277-6920; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (800) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30432 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 pm and will end at 9:00 pm, on October 29, 1980, at the Vermont Federal Savings and Loan Association, 99 State Street, Montpelier, Vermont. The purpose of the meeting is to discuss reports from Franco-American and Education Subcommittees; also there will be a report on the National Advisory Committee Chairpersons Conference.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Philip H. Hoff, 192 College Street, Hoff, Wilson & PO, Burlington, Vermont 05401, 802-658-4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 26, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-30433 Filed 9-30-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Order No. 41-4; D.O.O. Reference 10-3, 40-1]

Assistant Secretary for Trade Administration; Statement of Organization, Functions, and Delegation of Authority

Effective date: August 26, 1980.

Part I. Effect on Other Orders

This order supersedes ITA Organization and Function Order 45-1 of December 4, 1977, as amended (42 FR 64716, 43 FR 13599, 43 FR 29345, 43 FR 31426, 43 FR 56087); and interim delegation of authority to the Deputy Assistant Secretary for Import Administration of April 3, 1980 (45 FR 25110).

Part II. Purpose

This order delegates authorities from the Assistant Secretary for Trade Administration ("the Assistant Secretary") to the Deputy Assistant Secretaries for Import Administration and Export Administration and prescribes the internal organization and assignment of functions for all entities under the direction of the Assistant Secretary.

Part III. Organization, Line of Authority, and Principal Functions

Section 1. Organization and Line of Authority

The internal organization structure and line of authority for functions prescribed in this order shall be as depicted in the attached chart.[1] The Assistant Secretary for Trade Administration shall report and be responsible to the Under Secretary for International Trade.

Section 2. Principal Functions

.01 The *Assistant Secretary for Trade Administration* shall assist and advise the Secretary and the Under Secretary on the development of policies pertaining to, and the implementation of, Departmental programs dealing with import and export administration issues, including industrial mobilization and foreign boycotts; exercise the functions of the "Secretary" and the "administering authority" of U.S. antidumping and countervailing duty laws within the meaning of Section 303 and Title VII of the Tariff Act of 1930, as amended; serve as alternate to the Secretary and Under Secretary in representing the Department on the Trade Policy Committee and other interagency committees which deal with matters pertaining to import and export administration issues; represent the Department in all domestic and international forums which address such issues; chair the Advisory Committee on Export Policy; and decide appeals arising under the Export Administration Act of 1979, the Defense Production Act of 1950, as amended, Section 402 of the Federal Property and Administrative Services Act of 1949, as amended, and Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States.

.02 The Assistant Secretary shall direct the activities of:

a. The Deputy Assistant Secretary for Import Administration

b. The Deputy Assistant Secretary for Export Administration

Part IV. Deputy Assistant Secretary for Import Administration

Section 1. Delegation of Authority

Pursuant to the authority delegated to the Assistant Secretary for Trade Administration by the Under Secretary for International Trade, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for Import Administration (DAS). The Deputy Assistant Secretary may redelegate these authorities to any employee of the International Trade Administration or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authorities as he or she may prescribe. Notwithstanding any provision of this delegation of authority, the Assistant Secretary or the Deputy Assistant Secretary may at any time exercise any authority delegated or redelegated in this part.

.01 Authorities of the Assistant Secretary with respect to the Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171 *et seq.*) to foster, promote, and develop the foreign and domestic commerce of the United States, as are necessary to the performance of the Deputy Assistant Secretary's functions.

.02 Authorities of the Assistant Secretary with respect to antidumping and countervailing duties, as follows:

a. Section 303 and Title VII (including Section 771(1)) of the Tariff Act of 1930 (19 U.S.C. 1303; 1671 *et seq.*) in accordance with Section 5(a)(1)(C) of Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), relating to antidumping and countervailing duties, except the authority to make final determinations as "Secretary" or "administering authority;"

b. Sections 514, 515, and 516 of the Tariff Act of 1930 (19 U.S.C. 1514, 1515, and 1516) and section 5(a)(1)(D) of Reorganization Plan No. 3 of 1979, insofar as they relate to any protest, petition, or notice of desire to contest described in section 1002(b)(1) of the Trade Agreements Act of 1979;

c. Sections 318, 502(a), and 502(b) of the Tariff Act of 1930 (19 U.S.C. 1318, 1502(a), and 1502(b) and sections 5(a)(1)(E)) and 5 (a)(1)(F), respectively, of Reorganization Plan No. 3 of 1979, insofar as they relate to anti-dumping and countervailing duty investigations and the assessment of duties:

d. Section 2632(e) of Title 28 of the United Sttes Code and section 5(a)(1)(H) of Reorganization Plan No. 3 of 1979, insofar as they relate to actions taken by the Secretary reviewable under section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a).

.03 Authorities of the Assistant Secretary with respect to statutory import programs as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), relating to the importation of foreign excess property;

b. The Educational, Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

c. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. (1202)), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements.

.04 Authorities of the Assistant Secretary with respect to foreign-trade zones, as follows:

a. The Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a *et seq.*), as it relates to the Secretary's authority to designate an alternate to chair the Committee of Alternates of the Foreign-Trade Zones Board and to appoint an Executive Secretary of the Board (see 15 CFR Part 400).

Section 2. Redelegation of Authority

.01 The authorities of the Deputy Assistant Secretary with respect to antidumping and countervailing duties, as delegated in Section 1.02 of this part, are hereby redelegated as follows:

a. Any employee of the International Trade Administration stationed overseas, who is specifically designated as a Commerce Representative, is authorized to collect and verify data required for the investigation and enforcement of antidumping and countervailing duties;

b. The Director, Office of Investigations, and the Director, Office of Compliance, are each authorized to collect and verify data required for the investigation and enforcement of antidumping and countervailing duties, and may redelegate any power or function conferred by this delegation.

.02 The authorities of the Deputy Assistant Secretary with respect to statutory import programs, as delegated in Section 1.03 of this part, are hereby redelegated to the Deputy to the Deputy Assistant Secretary for Import Administration with the power of successive redelegation. These authorities are hereby further redelegated to the Director, Statutory Import Programs Staff, with the power of successive redelegation, except that rulemaking authority shall be reserved to the Deputy to the DAS.

.03 The authority of the Deputy Assistant Secretary with respect to appointing an Executive Secretary of the Foreign Trade Zones Board, as delegated in Section 1.04 of this part, is herby redelegated to the Deputy Assistant Secretary for Import Administration.

[1] Filed as part of the original document.

Section 3. Office of the Deputy Assistant Secretary

.01 The *Deputy Assistant Secretary for Import Administration* shall coordinate the formulation and implementation of U.S. antidumping and countervailing duty (AD/CVD) policies and programs, ensuring that actions taken are consistent with overall U.S. trade policy; coordinate the development of Departmental positions with regard to specific AD/CVD cases and general AD/CVD issues which are to be discussed in domestic and international forums, such as meetings of the interagency Trade Policy Committee and the GATT Antidumping and Countervailing Duty Code Committees; ensure the proper administration of antidumping and countervailing duty laws including the expeditious conduct of investigations, the administration of AD/CVD orders, the collection of duties under those orders, and the administration of AD/CVD suspension agreements; assist the Department's Office of General Counsel in its responsibilities for the defense of litigation challenging actions under the AD/CVD laws; in consultation with the Deputy Assistant Secretary for Trade Agreements and with the assistance of the U.S. Trade Representative, conduct negotiations with foreign manufacturers or governments to suspend antidumping or countervailing duty investigation; and administer Departmental programs relating to foreign-trade zones, allocation of watch quotas, duty-free entry of scientific instruments, and importation of foreign excess property.

.02 The *Deputy to the Deputy Assistant Secretary for Import Administration* shall assist the Deputy Assistant Secretary in planning and directing the execution of policies and programs for all functions under the direction of the DAS and shall assume the duties of the DAS during the latter's absence; direct the activities of the Foreign-Trade Zones Staff the Statutory Import Programs Staff and the overseas *Commerce Representatives,* who shall participate in the collection and on-site verification of data required for the investigation and enforcement of antidumping and countervailing duties; serve as the support arm for all entities under the direction of the DAS and as such, shall be responsible for allocation of space, equipment, and budgetary resources, utilization of automated data processing capabilities, and operation of the library, central files, and public reading room; and chair the Committee of Altnerates of the Foreign-Trade Zones Board.

.03 The immediate office of the DAS includes the *Foreign-Trade Zones Staff* which sall provide administrative support to the Secretary of Commerce as Chair of the Foreign-Trade Zones Board. The Director, Foreign-Trade Zones Staff, serves as Executive Secretary of the Board. Support includes processing applications for new and expanded zones, giving administrative clearances pursuant to the Board's regulations, reporting on the economic impact of zone activities, maintaining Board records and files, providing technical advice and assistance on zone matters, conducting public hearings on zone proposals, working with State and community development officials on zone projects, providing liaison with the U.S. Customs Serivce, and publishing the Board's annual report to the Congress.

.04 The immediate office of the DAS includes the *Statutory Import Programs Staff* which shall administer the program governing duty-free importation of scientific instruments or apparatus for educational or research institutions under UNESCO's Florence Agreement; provide liaison with U.S. industry on matters relating to U.S. and foreign government implementation of the Florence Agreement; represent the Department at meetings and conferences on the Florence Agreement; administer the program governing importation of foreign excess property into the customs territory of the United States; administer the Commerce responsibilities pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements by producers located in the Virgin Islands, Guam, and American Samoa; provide liaison with territorial governments on matters affecting watch assembly industries; make quota allocations and issue licenses to territorial watch assembly firms; develop measures with the U.S. Customs Service for monitoring imports of watches and watch movements under quota; and maintain official watch quota records for Commerce and Interior. The Director, Statutory Import Programs Staff, serves as Foreign Excess Property Officer.

.05. The DAS shall direct the following offices:

a. Office of Investigations
b. Office of Compliance
c. Office of Policy

Section 4. Office of Investigations

.01 The *Office of the Director* includes the *Director* who shall plan and direct the execution of policies and programs of the Office. The Director serves as the primary contact point with the U.S. International Trade Commission on matters pertaining to administration of antidumping and countervailing duty cases. The Director shall supervise and direct the following organizational components:

Far East Division

Americas, Africa and Oceania Division

Europe, Mid-East and Controlled Economies Division

.02 Each geographic division shall, for the area under its jursidiction, analyze petitions submitted by manufacturers, producers, trade associations, and unions under the antidumping and countervailing duty laws; initiate investigations, including the determination of product definitions and the drafting and presentation of questionnaires; analyze responses to questionnaires and participate in on-site verification of the accuracy and completeness of responses; arrange public hearings involving interested parties when requested in the course of investigations; prepare recommendations regarding the disposition of individual AD/CVD cases; calculate initial deposits of estimated dumping duty amounts; and prepare notices for publication in the **Federal Register** explaining determinations reached.

Section 5. Office of Compliance

.01 The *Office of the Director* includes the *Director* who shall plan and direct the execution of policies and programs of the Office. The Director serves as the primary contact point with the U.S. Customs Service on matters pertaining to administration of antidumping and countervailing duty laws. The Director shall supervise and direct the following organizational components:

Countervailing Order Compliance Division

Antidumping Order Compliance Division

Agreements Compliance Division

.02 Each division shall, for the orders or agreements under its jurisdiction, conduct the annual review required under the antidumping and countervailing duty laws; draft and submit questionnaires to companies and foreign governments as necessary; analyze responses to questionnaires and participate in any necessary or appropriate on-site verification of the accuracy and completeness of responses; arrange public hearings upon request for parties interested in the proposed results of annual reviews;

prepare recommendations concerning the disposition of each review including, where warranted, recommendations for termination of orders or agreements; prepare instructions to the U.S. Customs Service regarding the collection of duties on outstanding orders; and prepare notices for publication in the **Federal Register** explaining results of reviews.

Section 6. Office of Policy

The *Office of the Director* includes the *Director* who shall plan and direct the execution of policies and programs of the Office. The Office of Policy shall serve as the principal staff to the DAS in the formulation and implementation of policies governing the Department's administration of the antidumping and countervailing duty statutes, ensuring that actions taken are consistent with overall U.S. trade policy; in consultation with the Department's Office of General Counsel, ensure the uniform application of statutory and regulatory provisions of AD/CVD laws on a case-by-case basis; provide policy guidance to all entities under the direction of the DAS concerning the interpretation and application of AD/CVD laws and regulations; in consultation with the Deputy Assistant Secretary for Trade Agreements and with the assistance of the U.S. Trade Representative, conduct negotiations regarding possible suspension of AD/CVD investigations; prepare position papers and case decision summaries for meetings of the GATT Antidumping and Countervailing Duty Code Committees; and act for the DAS and, as appropriate, the Assistant Secretary for Trade Administration, in representing the views of the Department in domestic, interagency, and international forums.

Part V. Deputy Assistant Secretary for Export Administration

Section 1. Delegation of Authority

Pursuant to the authority delegated to the Assistant Secretary for Trade Administration by the Under Secretary for Internaional Trade, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for Export Administration (DAS). The Deputy Assistant Secretary may redelegate these authorities to any employee of the International Trade Administration or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authorities as he or she may prescribe. Notwithstanding any provision of this delegation of authority, the Assistant Secretary or the Deputy Assistant Secretary may at any time exercise any authority delegated or redelegated in this part.

.01 Authorities of the Assistant Secretary with respect to the Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171 *et seq.*) to foster, promote, and develop the foreign and domestic commerce of the United States, as are necessary to the performance of the Deputy Assistant Secretary's functions.

.02 Authorities of the Assistant Secretary with respect to regulating exports as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. The Export Administration Act of 1979 (50 U.S.C. App. 2401 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, except as it relates to foreign boycotts and except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determination required by Section 12(c) with respect to the publication or disclosure of confidential information obtained under the Act, and

2. The submission of reports to the Congress required by Section 14 of the Act;

b. Executive Order 12002 of July 7, 1977, relating to the Export Administration Review Board;

c. Executive Order 11958 of January 18, 1977, as it relates to the carrying out, on behalf of the Department of State, of functions under Section 38(e) of the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), as agreed to by the Departments of Commerce and State;

d. Executive Order 11322 of January 5, 1967, and Executive Order 11419 of July 29, 1968, relating to the Rhodesian sanctions with respect to transactions occurring prior to December 16, 1979 (Executive Order 12183 of December 16, 1979, revoked the provisions of Executive Orders 11322 and 11419 with respect to transactions occurring after December 16, 1979);

e. The Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12058 of May 11, 1978, pertaining to nuclear exports and related matters;

f. Sections 103 and 251 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) conferred on the Secretary under Executive Order 11912 of April 13, 1976, relating to: (1) Export restrictions of coal, petroleum products, natural gas, or petrochemical feedstocks and supplies of material or equipment necessary to maintain or further exploration, production, refining, or transportation of energy supplies or for the construction or maintenance of energy facilities within the United States; and (2) rules to authorize the export of petroleum and petroleum products as may be necessary for implementation of the obligations of the United States under the International Energy Program;

g. Executive Order 11490 of October 28, 1969, as amended, as it relates to the development of national emergency preparedness plans and programs covering regulation and control of exports and imports;

h. Executive Order 11179 of September 22, 1964, as amended, with respect to the establishment and training of the exports and imports component of the National Defense Executive Reserve;

i. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*) conferred on the Secretary under Executive Order 10480 of August 14, 1953, as amended, as it relates to restricting surface transportation and discharge of commodities or prohibiting movement of American carriers to designated destinations.

.03 Authorities of the Assistant Secretary with respect to foreign boycotts, as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. The Export Administration Act of 1979 (50 U.S.C. App. 2401 *et seq.*) and the authority under the Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, as it relates to foreign boycotts, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determination required by Section 12(c) with respect to the publication or disclosure of confidential information obtained under the Act, and

2. The submission of reports to the Congress required by Section 14 of the Act.

.04 Authorities of the Assistant Secretary with respect to industrial mobilization, as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*) conferred on the Secretary under: (1) Executive Order 10480 of August 14, 1953, as amended, except authority with respect to transportation facilities and the creation of new agencies within the Department of Commerce; and (2) Executive Order 11912 of April 13, 1976;

b. Executive Order 11490 of October 28, 1969, as amended, as it relates to the development of national emergency preparedness plans and programs

covering production and distribution of materials, production facilities, and construction materials;

c. The National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*) and Executive Order 11490 of October 28, 1969, as amended, relating to mobilization preparedness;

d. Executive Order 11179 of September 22, 1964, as amended, with respect to the establishment and training of the industrial production component of the National Defense Executive Reserve;

e. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

f. Section 1441 of the Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300j) conferred on the Secretary under Executive order 11879 of September 17, 1975, involving materials allocation of chemicals or substances necessary for treatment of water;

g. Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) and section 5(a)(1)(B) of the Reorganization Plan No. 3 of 1979, relating to the conduct of national security investigations on imports.

Section 2. Redelegation of Authority

.01 The authorities of the Deputy Assistant Secretary with respect to regulating exports, as delegated in Section 1.02 of this part, are hereby redelegated to the Director, Office of Export Administration, with the power of successive redelegation.

.02 The authorities of the Deputy Assistant Secretary with respect to foreign boycotts, as delegated in Section 1.03 of this part, are hereby redelegated to the Director, Office of Antiboycott Compliance, with the power of successive redelegation.

.03 The authorities of the Deputy Assistant Secretary with respect to industrial mobilization, as delegated in Section 1.04 of this part, are hereby redelegated to the Director, Office of Industrial Mobilization, with the power of successive redelegation.

.04 The delegations to the Director, Office of Export Administration, the Director, Office of Antiboycott Compliance, and the Director, Office of Industrial Mobilization, specifically include the authority:

a. To sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records and other writings, or both, to any designated place, in connection with any investigation or proceeding necessary or appropriate to the enforcement of the delegated authority;

b. To require reports and the keeping of records by any person to the extent necessary or appropriate to the enforcement of the delegated authority and require any person to permit the inspection of books, records, and other writing or property;

c. To take any other action necessary or appropriate to achieve effective enforcement of the delegated authority in connection with actual or potential violations.

.05 In addition to the above delegations, the following Department of Commerce employees, in connection with any investigation or proceeding necessary or appropriate to the enforcement of the delegated authority, are each authorized to make investigations; to require any person to permit the inspection of books, records, and other writings, premises, or property; to sign and issue subpoenas requiring any person to appear and testify or appear and produce books, records and other writings, or both, to any designated place; to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony; and to take the sworn testimony of any person.

a. Director, Compliance Division, Office of Export Administration

b. Agent-in-Charge, New York Field Office, Compliance Division, Office of Export Administration

c. Any compliance officer or special agent employed in the Compliance Division, Office of Export Administration

d. Any compliance officer or special agent employed in the Office of Antiboycott Compliance

e. Depty Director, Office of Industrial Mobilization

f. Director, Priorities and Allocations Division, Office of Industrial Mobilization

g. Any compliance officer or special agent employed in the Priorities and Allocations Division, Office of Industrial Mobilization

.06 In any proceeding relating to the denial of export privileges or the imposition of civil penalties under the Export Administration Act of 1979, the Administrative Law Judge or Hearing Commissioner is authorized to administer oaths and affirmations, and to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records and other writings, or both.

Section 3. Office of the Deputy Assistant Secretary

.01 The *Deputy Assistant Secretary for Export Administration* shall carry out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply; chair the Subcommittee of the Advisory Committee on Export Policy (Sub-ACEP); administer programs concerning foreign boycotts against countries friendly to the United States, and develop and coordinate measures for opposing such boycotts; coordinate and conduct the Department's activities regarding industrial mobilization for national defense, including priorities and allocations, industrial resources, and emergency preparedness programs; and investigate the effects on national security of imports, consult with other Federal agencies, and recommend remedial action where imports theaten to impair the national security.

.02 The *Deputy to the Deputy Assistant Secretary for Export Administration* shall assist the Deputy Assistant Secretary in planning and directing the execution of policies and programs for all functions under the direction of the DAS and shall assume the duties of the DAS during the latter's absence.

.03 The immediate office of the DAS includes a *Hearing Commissioner* who shall conduct hearings, issue initial decisions, and perform other duties with respect to proceedings concerning the imposition of administrative sanctions for violations of the rules on regulating exports, in accordance with the procedures prescribed in the Export Administration Regulations.

.04 The DAS shall direct the following offices:

a. Office of Export Administration
b. Office of Antiboycott Compliance
c. Office of Industrial Mobilization

Section 4. Office of Export Administration

.01 The *Office of the Director* includes: the *Director* who shall plan and direct the execution of policies and programs of the Office; the *Operating Committee Chair* who shall chair the Operating Committee and also serve as Executive Secretary of the Export Administration Review Board, the Advisory Committee on Export Policy, and the Subcommittee of the Advisory Committee on Export Policy, (Sub–ACEP); and the *Exporters' Service Staff* who shall conduct public contact activities including responding to inquiries from exporters. The Office of the Director shall provide secretariat and administrative support services to the Subcommittee on Export Administration of the President's Export Council and shall represent the Department on committees dealing with

East-West exchanges. The Director shall supervise and direct the following organizational components:

.02 The *Policy Planning Division* shall develop overall policies for the licensing of exports. The division shall perform its assigned funcitons through the following subordinate elements:

a. The *East-West Trade Branch* shall analyze license applications for exports destined to the Communist nations; furnish policy and procedural guidance to the licensing divisions in processing these cases; review documentation prepared by licensing divisions for presentation to the Operating Committee; and coordinate disposition of the applications within established policy guidelines.

b. The *Strategic Rating Branch* shall serve as the Department's staff level liaison point on matters relating to international cooperation on export controls for strategic purposes (COCOM); represent the Department on certain committees and working groups of the Department of State's Economic Defense Advisory Committee; and assure that commodities retained under U.S. unilateral control are commensurate with national security interests.

c. The *Nuclear Policy Branch* shall administer export controls related to nuclear nonproliferation in coordination with other agencies; represent the Department on the interagency Subgroup on Nuclear Export Controls; and formulate the Department's position on exports regulated by the Nuclear Regulatory Commission and the Department of Energy.

d. The *Foreign Policy Branch* shall formulate policies for licensing exports controlled for foreign policy purposes; perform and coordinate the analysis of statutory criteria for foreign policy controls; and consult with other agencies on special foreign policy programs and embargoes.

.03 The *Operations Division* shall serve as the support arm for the Office of Export Administration. The Office of the division Director shall provide secretariat and administrative support services to the Export Administration Technical Advisory Committees. The division shall perform its assigned functions through the following subordinate elements:

a. The *Processing Branch* shall process license applications; issue U.S. import certificates; carry out emergency readiness and planning functions for the Office of Export Administration; and operate the automated license accounting and review system to track applications and produce statistical reports.

b. The *Management Services Branch* shall develop internal operating procedures; prepare analytical and statistical reports on export control activities; develop and publish Export Administration Regulations, supplemental bulletins, and information brochures for the exporting community; and prepare the Secretary's annual report on export administration to the Congress.

.04 The *Compliance Division*, in consultation with the Department's Office of General Counsel, shall enforce the Export Administration Regulations, except those relating to foreign boycotts against countries friendly to the United States. The division shall perform its assigned functions through the following subordinate elements:

a. The *Intelligence Branch* shall develop intelligence information regarding areas of possible export administration violations; and collect intelligence data on overseas firms and individuals in order to indentify and evaluate their suitability and reliability as recipients of U.S. exports.

b. The *Investigations Branch* shall investigate suspected export administration violations; and, in consultation with the Department's Office of General Counsel, prepare cases on violations for referral to the Hearing Commissioner or for other legal action.

c. The *Facilitation Branch* shall conduct on-site physical inspections of cargo for evidence of export control violations; promote compliance with export clearance regulations; and maintain liaison with the U.S. Customs Service, Census Bureau, and postal authorities.

.05 The *Short Supply Division* shall administer short supply commodity control programs; monitor exports and contracts for exports when commodities are in present or potential short supply or likely to have an inflationary impact; coordinate the preparation of periodic reports of monitoring results; and coordinate within the Department all short supply activities provided for under the Export Administration Act of 1979.

.06 The *Director of Licensing* shall administer the technical licensing program through the functions of the licensing divisions; act as focal point and coordinator for the technical licensing program in its relationship with the COCOM community; and assess the interrelationships among technology trends, national security concerns, foreign policy and trade expansion goals, and U.S. economic objectives as they affect the management of the licensing function and the information requirements for acting on export applications. The Director of Licensing shall supervise and direct the following organizational components:

Electronic Equipment Division

Capital Goods and Production Materials Division

Computer Division

.07 Each licensing division shall, for the products and related technical data under its jurisdiction, administer controls over exports in accordance with the Export Administration Regulations and the policies and procedures established by the Office of Export Administration; determine and take appropriate action on export license applications; conduct technical analyses of products and technical data, including potential end-use applications, to determine the extent of controls to be applied; and render assistance to industry and other Government agencies on export administration problems within its jurisdiction.

Section 5. Office of Antiboycott Compliance

The *Office of the Director* includes the *Director* who shall plan and direct the execution of policies and programs of the Office. The Office of Antiboycott Compliance shall administer and, in consultation with the Department's Office of General Counsel, enforce the regulations and programs required to carry out Departmental responsibilities under the Export Administration Act of 1979 regarding foreign boycotts against countries friendly to the United States; develop and coordinate policies and measures for opposing such boycotts; and operate the automated boycott reporting system to provide statisical summaries and enforcement data. The Office shall serve as a principal source of advice to executive officials of the Department and to the DAS on matters relating to regulations, interpretations, and investigations, as well as the development of regulatory policy and adjudicative procedures in areas for which the Office is responsible.

Section 6. Office of Industrial Mobilization

.01 The *Office of the Director* includes the *Director* who shall plan and direct the execution of policies and programs of the Office. The Office of the Director shall investigate and report on the impact of imports on national security. The Director serves as U.S. Representative to the NATO Industrial Planning Committee and co-chairs the U.S./Canadian Emergency Planning

Committee for Industrial Production and Materials. The Director shall supervise and direct the following organizational components:

.02 The *Priorities and Allocations Division* shall support current national defense requirements, the program to maximize domestic energy supplies, and other high national priority programs as may be authorized, by administering the Defense Materials System, including management of the set-aside program of controlled materials, and the Defense Priorities System under Title I of the Defense Production Act of 1950, as amended, including the findings of scarcity and necessity for exercising these authorities required by Section 101(c)(3) of the Act, and enforcing compliance with the DPS and DMS; administer materials allocation of chemicals or substances necessary for the treatment of water; conduct training seminars for Government and industry executives, contractors, and other company officials in the administrative procedures of DMS and DPS and the special priorities system as they relate both to defense and energy requirements; provide for assisting defense contractors adversely affected by natural disasters; and prepare and maintain emergency measures for regulating industrial production and distribution during emergency situations, including developing emergency set-aside criteria and procedures and related emergency regulations and delegations for steel, copper, aluminum, and nickel alloys.

.03 The *Industrial Resources Division* shall provide support to the Federal Emergency Management Agency (FEMA) in the management of the National Defense Stockpile Program; provide statistical data on strategic and critical materials; represent the Department on interdepartmental stockpile committees; identify industrial facilities of exceptional importance to the national security, mobilization readiness, and postattack survival and recovery; supervise the preparation of analyses of critically important industrial products and services; conduct feasibility studies to determine industrial capabilities to meet national emergencies; prepare studies and analyses on critical materials and industries as required to support NATO and U.S./Canadian emergency planning committees; provide analytical and data support for investigations of the impact of imports on national security; and support the Industry Evaluation Board. The Director of the division chairs the Industry Evaluation Board.

.04 The *Emergency Preparedness Division* shall develop and test plans and procedures for response to a nuclear attack or other national emergency, so that the Office of Industrial Mobilization, with support from the Department's field installations, can ensure continuity of its essential functions, including provisions for an Emergency Production Agency capability at selected alternate sites throughout the U.S.; recruit, assign, and provide annual training programs based on current national emergency response concepts and international conditions for cadres of National Defense Executive Reservists from industry throughout the U.S. to assume major responsibilities in a national emergency; maintain Industrial Mobilization Data Centers at selected national and regional relocation sites; plan and coordinate the International Trade Administration's emergency readiness functions; provide for the physical security of facilities important to the national defense and the essential civilian economy; identify industrial mobilizaion machine tool requirements and machine tool manufacturers for expediting procurement in an emergency under the Machine Tool Trigger Order Program; provide such other assistance as necessary to support Federal, state, and local emergency response plans and interagency coordination for such plans; provide staff support to the Office of the Director regarding investigations and the preparation of reports on the impact of imports on national security; and provide emergency planning support to the Director, Office of Industrial Mobilization, for participation in the NATO Industrial Planning Committee and the U.S./Canadian Emergency Planning Committee for Industrial Production and Materials.

Part VI. Administrative, Public Affairs, and Program Support

Management, data processing, budget, personnel, public affairs, and administrative support services will be provided by Offices reporting to the Director of Administration. Field support will be provided by the U.S. Commercial Service or Foreign Commercial Service, as appropriate. Program support relating to industry information and analysis will be provided by the Department's Bureau of Industrial Economics.

Approved:

Donald A. Furtado,

Deputy Under Secretary for International Trade.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

Robert E. Herzstein,

Under Secretary for International Trade.

Eric Hirschhorn,

Deputy Assistant Secretary for Export Administration.

B. Waring Partridge, III,

Deputy to the Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-30509 Filed 9-30-80; 8:45 am]

BILLING CODE 3510-25-M

Computer Systems Technical Advisory Committee; Partially Closed 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 Computer Systems Technical Advisory Committee will be held on Thursday, October 16, 1980, at 9:30 a.m. in Room 6705, 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 Committee Act.

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 products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, or technology and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee meeting agenda has four parts:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on the current work program of the Subcommittees

(a) Technology Transfer;

(b) Foreign Availability;

(c) Hardware; and

(d) Licensing Procedures.

Executive Session

(4) Discussion of matters properly classified under Executive Orders 11652 and 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be 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 Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary 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, P.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 the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee 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 open portions 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: 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 29, 1980.

Kent N. Knowles,

Director, Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80–30552 Filed 9–30–80; 8:45 am]

BILLING CODE 3510–25–M

Maritime Administration

Change in Membership of Performance Review Board

This notice announces a change in membership of the Performance Review Board (PRB) for the Maritime Administration. The purpose of the PRB, as established by the Assistant Secretary for Maritime Affairs (44 FR 63130, Nov. 2, 1979), is to assure the equitable treatment of Maritime Administration members of the Senior Executive Service.

The name, title and term of the new member of the PRB who has been appointed is set out below:

Mr. James A. Higgins, Assistant Administrator for Commercial Development, Maritime Administration, Washington, D.C. 20230. Term—continuous as long as in current position.

The following person no longer serves on the PRB:

Mr. James G. Gross, Deputy Assistant Administrator for Commercial Development, Maritime Administration, Washington, D.C. 20230.

Persons desiring any further information about the membership of the PRB may contact Ms. Myra R. Wells, Director, Office of Pesonnel, Maritime Administration, Washington, D.C. 20230, (202) 377–2316.

Dated: September 23, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80–30293 Filed 9–30–80; 8:45 am]

BILLING CODE 3515–10–M

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Proposal of the Minneapolis Grain Exchange To Trade Sunflower Seeds for Delivery in September 1981

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95–405, section 12, 92 Stat. 871 (1978), has determined that the proposal of the Minneapolis Grain Exchange ("MGE") to trade its sunflower seeds contract for delivery in September 1981 is of major economic significance. At the time of MGE's original designation as a contract market for sunflower seeds in March 1980, the Commission was of the opinion that sunflower seed supplies could prove inadeqate for delivery on a September contract. The MGE, relying on statistics and projections more current than those upon which the designation was based, now seeks authorization to list a September delivery month. Specifically, the MGE cites the USDA projection of a 950,000 metric ton carryover by the 1979–80 crop year's end, compared with a 77,000 metric ton figure at the 1977–78 crop year's end.

Any person interested in submitting written data, views, or argumants on this proposal should send comments by October 31, 1980 to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Issued in Washington, D.C., on September 26, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80–30407 Filed 9–30–80; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Advisory Committees

AGENCY: Department of Defense.

ACTION: Notices.

SUMMARY: The following notices provide justification for the renewal of DoD Components' Advisory Committees and are published in accordance with the provisions of Pub. L. 92–463, the Federal Advisory Committee Act. The General Services Administration has also reviewed the justifications and concur with their renewal.

FOR FURTHER INFORMATION CONTACT: Mr. John Wilson, Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Washington, D.C. 20301, Telephone: 202–695–4281.

SUPPLEMENTARY INFORMATION: DoD Advisory Committees are under the cognizance of the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Secretaries of the Army, Navy, and Air Force, the Directors of the Defense Intelligence Agency, the Defense Communications Agency, and the Defense Nuclear

Agency. The following is a listing of DoD Advisory Committees:

Office of the Secretary

Defense Advisory Committee on Women in the Services
Defense Science Board
Defense Systems Management College Board of Visitors
Department of Defense Advisory Group on Electron Devices
Department of Defense Wage Committee
Scientific Advisory Board of the Armed Forces Institute of Pathology

Organization of the Joint Chiefs of Staff

Board of Visitors, National Defense University and Defense Intelligence School
Scientific Advisory Group, Joint Strategic Target Planning Staff

Department of the Army

Armed Forces Epidemiological Board
Army Advisory Panel on ROTC Affairs
Army Science Board
Chief of Engineers Environmental Advisory Board
Command and General Staff College (CGSC) Advisory Committee
Department of the Army Historical Advisory Committee
National Board for the Promotion of Rifle Practice
U.S. Army Coastal Engineering Research Board
U.S. Army Medical Research and Development Advisory Committee
U.S. Military Academy Board of Visitors

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee
Naval Research Advisory Committee
Navy Resale System Advisory Committee
Secretary of the Navy's Advisory Board on Education and Training
Secretary of the Navy's Advisory Committee on Naval History
U.S. Naval Academy Board of Visitors

Department of the Air Force

Air Force Historical Advisory Committee
Air University Board of Visitors
Community College of the Air Force Advisory Committee
U.S. Air Force Academy Board of Visitors
U.S. Air Force Scientific Advisory Board

Defense Communications Agency

Scientific Advisory Group.

Defense Intelligence Agency

Advisory Committee.

Defense Nuclear Agency

Scientific Advisory Group on Effects.

The following are justifications for DoD Advisory Committees' renewals:

Office of the Secretary

Defense Advisory Committee on Women in the Service

The determination to renew the Defense Advisory Committee on Women in the Services (DACOWITS) has been made because the Committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the DACOWITS is to assist and advise the Secretary of Defense on policies and matters relating to women in the Services. In carrying out its purpose, the Committee will interpret to the public the need for and the role of women as an integral part of the All Volunteer Force; encourage public acceptance of military service as a citizenship responsibility and as a career field for qualified women; recommended measures to insure effective utilization of the capabilities of the women in the Services; and to provide a vital link between the Armed Forces and the civilian communities.

Defense Science Board

The determination to renew the Defense Science Board has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Defense Science Board is to serve as an advisory committee to the Secretary of Defense, reporting through the Under Secretary of Defense for Research and Engineering on scientific, technical and related management matters of particular interest to the Department of Defense. Comprised of a balanced membership of senior appointees representing the industrial, academic and scientific communities, the Board undertakes to analyze and recommend concerning specific issues and problems tasked to it by the Secretary of Defense or the Under Secretary of Defense for Research and Engineering, or other senior officials of the Department of Defense. Additionally, it examines and provides guidance concerning other important subject areas on an ad hoc basis as such matters are surfaced during the normal course of conduct of the Board's proceedings.

Defense Systems Management College Board of Visitors

The determination to renew the Defense Systems Management College Board of Visitors has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Defense Systems Management College Board of Visitors is to advise the Defense Systems Management College Policy Guidance Council on organization, management, curricula methods of instruction, acquisition research, career related activities, facilities and other matters of interest to the College.

Department of Defense Advisory Group on Electron Devices

The determination to renew the Dod Advisory Group on Electron Devices has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the DoD Advisory Group on Electron Devices is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

Department of Defense Wage Committee

The determination to renew the Department of Defense Wage Committee has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Department of Defense Wage Committee is to make recommendations regarding wage surveys and wage schedules for blue collar employees to the Department of Defense Wage Fixing Authority to discharge the responsibilities assigned by Pub. L. 92–392 to the Office of Personnel Management, as set forth in Federal Personnel Manual Supplements 532–1 and 532–2, "Federal Wage System." The Department of Defense has "lead agency" responsibility for setting wage rates in approximately 255 of the approximately 278 wage areas established under the Federal Wage System.

Scientific Advisory Board of the Armed Forces Institute of Pathology

The determination to renew the Scientific Advisory Board of the Armed Forces Institute of Pathology has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Scientific Advisory Board is to serve in the public interest as a scientific advisory body to the Director, Armed Forces Institute of Pathology, to provide him and his staff with scientific and professional advice and guidance in matters pertaining to operational programs, policies and procedures of the

AFIP central laboratory of pathology for the Department of Defense and other Federal agencies with responsibilities for consultation, education and research in pathology.

Organization of the Joint Chiefs of Staff

Board of Visitors, National Defense University and Defense Intelligence School

The determination to renew the Board of Visitors, National Defense University and Defense Intelligence School has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Board of Visitors is to provide advice to the President, NDU, the Director of the Defense Intelligence Agency, and the Commandants of the National War College, Industrial College of the Armed Forces, and the DIS on matters relating to mission, policy, faculty, students, curricula, educational methodology, research, and administration for both resident and non-resident programs.

Scientific Advisory Group, Joint Strategic Target Planning Staff

The determination to renew the Scientific Advisory Group, Joint Strategic Target Planning Staff has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Scientific Advisory Group, Joint Strategic Target Planning Staff is to provide timely technical and scientific advice of qualified scientists and representative views of the scientific community to the Director of Strategic Target Planning (DSTP) during the development of the Single Integrated Operational Plan (SIOP).

Department of the Army

Armed Forces Epidemiological Board

The determination to renew the Armed Forces Epidemiological Board has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Armed Forces Epidemiological Board is to serve as a continuing scientific advisory body to the Surgeons General of the military departments and the Assistant Secretary of Defense (Health Affairs) providing them with timely scientific and professional advice and guidance in matters pertaining to operational programs, policy development and research needs for the prevention of disease and injury and the promotion of health by application of new technoloical and epidemiological principles to the control of acute and chronic diseases, the protection of the environment, the improvement of occupational health programs and the design of new systems of health maintenance.

Army Advisory Panel on ROTC Affairs

The determination to renew the Army Advisory Panel on ROTC Affairs has been made because the committee had found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Army Advisory Panel is to provide for continuous exchange of views between the Department of the Army (DA) and educational institutions to improve the Army Senior ROTC Program. Panel members provide the vital function of feedback from host institutions that is not otherwise available. The advice, counsel, and recommendations of the AAP assist the Army in planning, formulation, and implementation of ROTC policy.

Army Science Board

The determination to renew the Army Science Board has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Army Science Board is to advise the Secretary of the Army and the Chief of Staff, U.S. Army, on research and development programs, on systems acquisition, and other matters which are affected by science, technology, and engineering.

Chief of Engineers Environmental Advisory Board

The determination to renew the Chief of Engineers Environmental Advisory Board has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Chief of Engineers Environmental Advisory Board is to provide the Chief of Engineers expert advise on matters relating to environmental policy and procedures.

Command and General Staff College (CGSC) Advisory Committee

The determination to renew the CGSC Advisory Committee has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the CGSC Advisory Committee is to provide the best counsel available to the Command and General Staff College on broad matters of curricular and other educational policy and to represent the public interest as specified by the North Central Association of Colleges and Schools in its certification of accreditation.

Department of the Army Historical Advisory Committee

The determination to renew the Department of the Army Historical Advisory Committee has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Department of the Army Historical Advisory Committee is to provide the Secretary of the Army and the Chief of Military History with advice and counsel regarding: (1) the conformity of the Army's historical work and methods with professional standards, (2) effective cooperation between the historical and military professions in advancing the purpose of the Army Historical Program, and (3) the mission of the U.S. Army Center of Military History to further the study of and interest in military history in both civilian and military schools.

National Board for the Promotion of Rifle Practice

The determination to renew the National Board for the Promotion of Rifle Practice has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the National Board for the Promotion of Rifle Practice is to promote marksmanship training with rifled arms among able-bodied citizens of the United States and provide the means whereby they may become proficient in the use of such arms. The Secretary of the Army fulfills these requirements through the Civilian Marksmanship Program based upon the recommendations of the National Board for the Promotion of Rifle Practice.

U.S. Army Coastal Engineering Research Board

The determination to renew the U.S. Army Coastal Engineering Research Board has been made because the committee has been found to be in the public interest in connection with the

performance of duties imposed by law on the Department of Defense. The nature and purpose of the U.S. Army Coastal Engineering Research Board is to function as an advisory board to the Chief of Engineers as provided by Pub. L. 88–172, dated 7 November 1963. The CERB provides broad policy guidance and review of plans and fund requirements for the conduct of research and development in the field of coastal engineering; recommends priorities of accomplishment of research projects in consonance with the needs of the coastal engineering research field and the objectives of the Chief of Engineers and performs additional functions as assigned by the Chief of Engineers.

U.S. Army Medical Research and Development Advisory Committee

The determination to renew the U.S. Army Medical Research & Development Advisory Committee has been made because the Committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the U.S. Army Medical Research & Development Advisory Committee is to advise the Commanding General, U.S. Army Medical Research and Development Command (USAMRDC) on Scientific and Technological Aspects of the U.S. Army Medical Research and Development Program.

U.S. Military Academy Board of Visitors

The determination to renew the United States Military Academy Board of Visitors has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Board of Visitors is to inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee

The determination to renew the Chief of Naval Operations Executive Panel Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Chief of Naval Operations Executive Panel Advisory Committee is to provide an avenue of communications by which members of the civilian and military, scientific, academic, engineering and political communities may advise the Chief of Naval Operations on questions related to national seapower and the current and projected influence of seapower on international strategies. The results of this investigation form the basis upon which the Panel develops a clear statement of the Navy's role in the execution of U.S. national policy. In connection therewith, subcommittees composed of Committee members may be formed; four subcommittees established for this purpose are the Force Enhancement, Science and Technology, Strategy and Long-Range Planning Sub-Panels.

Naval Research Advisory Committee

The determination to renew the Naval Research Advisory Committee has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Naval Research Advisory Committee is to know the problems of the Navy and the Marine Corps, to keep abreast of the research and development which is being carried on in relation to the problems, and to offer a judgment to the Navy and Marine Corps as to whether the efforts are adequate. The activities of the Committee are limited to serving solely in an advisory capacity to the Secretary of the Navy and other high ranking personnel of the Navy and Marine Corps. The Committee is the senior scientific advisory group to the Secretary of the Navy, the Chief of Naval Operations, the Chief of Naval Research, the Commandant of the Marine Corps, the Chief of Naval Development, and the Director of Navy Laboratories.

Navy Resale System Advisory Committee

The determination to renew the Navy Resale System Advisory Committee has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by Law on the Department of Defense. The nature and purpose of the Navy Resale System Advisory Committee is to examine policies, operations and organization of the Navy Resale System, which includes Navy Exchange, Ships Stores, Navy Commissary Stores and Military Sealift Command Exchanges, and to provide the System with expert counsel from acknowledged leaders in the field of retailing, finance and management.

Secretary of the Navy's Advisory Board on Education and Training

The determination to renew the Secretary of the Navy's Advisory Board on Education and Training has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Secretary of the Navy's Advisory Board on Education and Training is to advise the Secretary of the Navy on policy concerning all facets of training for Navy and Marine Corps personnel, officer and enlisted, active and inactive. This Board serves as the "umbrella" board for the Board of Advisors to the President of the Naval War College, the Board of Advisors to the Superintendent of the Naval Postgraduate School, and the United States Naval Academy Advisory Board.

Secretary of the Navy's Advisory Committee on Naval History

The determination to renew the Secretary of the Navy's Advisory Committee on Naval History has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Secretary of the Navy's Advisory Committee on Naval History is to give the Navy the benefit of the committee's sound counsel and guidance on archival, library, curatorial, and historical programs and activities; to maintain liaison between the Navy and the historical profession.

U.S. Naval Academy Board of Visitors

The determination to renew the United States Naval Academy Board of Visitors has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the United States Naval Academy Board of Visitors is to inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Naval Academy that the Board decides to consider, and, within 60 days of its annual meeting, to submit its findings and recommendations to the President of the United States.

Department of the Air Force

Air Force Historical Advisory Committee

The determination to renew the Air Force Historical Advisory Committee has been made because the committee

has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Air Force Historical Advisory Committee is to assess and make recommendations regarding the mission, scope, progress, integrity and productivity of the history program.

Air University Board of Visitors

The determination to renew the Air University Board of Visitors has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Air University Board of Visitors are to examine the organization, management, policies, curriculum, method of instruction, facilities, and other aspects of the Air University operation.

Community College of the Air Force Advisory Committee

The determination to renew the Community College of the Air Force Advisory Committee has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Community College of the Air Force Advisory Committee are to serve, in an advisory capacity to the governing board, the college administration and to provide for the public interest. The committee is an external source of expertise which insures continued reflection on the Community College of the Air Force system—its objectives, operation, and policy. The committee consists of 10 members; three ex officio (Commander, Air Training Command; President, Community College of the Air Force; and Chief Master Sergeant of the Air Force) and seven persons of distinction in education or other purpose of the college. The chairman will be elected from the civilian membership.

U.S. Air Force Academy Board of Visitors

The determination to renew the USAF Academy Board of Visitors has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The USAF Academy Board of Visitors consists of 15 members—congressional and presidential appointees—designated annually. The purpose of the Board of Visitors is to inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the USAF Academy which the Board decides to consider.

U.S. Air Force Scientific Advisory Board

The determination to renew the USAF Scientific Advisory Board has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the USAF Scientific Advisory Board are to provide a link between the Air Force and the Nation's scientific community by serving as a means of communicating the most recent scientific information as it applies to the Air Force.

Defense Communications Agency

Defense Communications Agency Scientific Advisory Group

The determination to renew the Defense Communications Agency Scientific Advisory Group has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Defense Communications Agency Scientific Advisory Group is to provide objective advice on major Defense Communications Agency programs and provide technical expertise on major problems in the areas of telecommunications, command and control systems, and ADP systems, to include all DCA programs.

Defense Intelligence Agency

Advisory Committee

The determination to renew the Defense Intelligence Agency Advisory Committee has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Defense Intelligence Agency Advisory Committee is to provide the Director, Defense Intelligence Agency with primarily scientific and technical advice and assistance in those areas and disciplines of major importance to the Agency. It also provides a valuable link between the Agency and the scientific and industrial communities of the nation. Its function is solely advisory.

Defense Nuclear Agency

Scientific Advisory Group on Effects

The determination to renew the Scientific Advisory Group on Effects has been made because the committee has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The nature and purpose of the Scientific Advisory Group on Effects is to advise and assist the Director, Defense Nuclear Agency (DNA), on matters related to nuclear weapons effects. The group will convene as requested to: (1) Review and evaluate long-range plans for the development of nuclear weapons effects data and provide advice on the adequacy of the Defense Nuclear Agency (DNA) program; (2) recommend new approaches and techniques for determining nuclear weapons effects data; and (3) render advisory assistance in the solution of specific problems which are brought to its attention.

M. S. Healy,

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

September 17, 1980.

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Initial Militarily Critical Technologies List

AGENCY: Office of the Secretary of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is submitting the following list of critical technologies whose acquisition by potential adversaries would be detrimental to national security. This list was mandated by the Export Administration Act of 1979 in order to provide guidance on export control matters.

FOR FURTHER INFORMATION CONTACT: Deputy Under Secretary of Defense of Research and Engineering, International Programs and Technology, Office of Technology Trade, Room 3B1060, Washington, D.C. 20301, Telephone: 202 694-4777.

M. S. Healy,

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

26 September 1980.

Initial Militarily Critical Technologies List

The Initial Militarily Critical Technologies List has been produced by the Department of Defense in response

to Section 5(d) of the Export Administration Act of 1979, which states:

(2) The Secretary of Defense shall bear primary responsibility for developing a list of militarily critical technologies. In developing such list, primary emphasis shall be given to—

(A) arrays of design and manufacturing know-how,

(B) keystone manufacturing, inspection, and test equipment, and

(C) goods accompanied by sophisticated operation, application, and maintenance know-how

which are not possessed by countries to which exports are controlled under this section and which, if exported, would permit a significant advance in a military system of any such country.

(3) The list referred to in Paragraph (2) shall be sufficiently specific to guide the determination of any official exercising export licensing responsibilities under this Act.

(4) The initial version of this list referred to in Paragraph (2) shall be completed and published in an appropriate form in the Federal Register not later than October 1, 1980.

The Initial List has been developed by the Department of Defense, with the cooperation of other agencies of the U.S. Government and U.S. industry, to identify those elements of technology the export of which to potential adversaries could increase their military capacilities to the detriment of U.S. national security. The Department of Defense will periodically review and, as necessary, update and amend the Initial List as part of its continuing responsibility to protect the technology leadtime of the U.S. as compared to its adversaries in the application of advanced technologies to military capacilities.

The Table of Contents for the Initial List is presented below. Detailed specifications of the list and the supportive documentation are currently undergoing Government security review. Subsequently, an appropriately modified unclassified List as refined and elaborated by the Department of Defense in cooperation with other interested government agencies, will be submitted for inclusion as part of the Commodity Control List (CCL), after consultation with our Allies, for the concurrence of the Secretary of Commerce, in accordance with the procedures stated in Section (5)(c)(2) of the Export Administration Act of 1979.

The technologies identified in the Initial List contribute to the development, production or utilization of items being controlled for national security purposes on the current CCL. The Initial List also identifies certain technologies that contribute to items on the Munitions List which have present or potential civil application.

The commodities described in the list are limited to equipment and materials so far identified as either critical to the development, production or utilization of end-items of concern or goods which would convey information concerning these activities. The list does not address end-items of intrinsic military utility; such items remain under the control of the CCL and the Munitions List. The Department of Defense may recommend that certain items on the Initial List be controlled through the Munitions List (ITAR), while certain items presently on the CCL may be recommended for decontrol.

The Initial List and associated detailed documentation of list items shall provide guidance within the Department of Defense for the review of those export license applications that particularly involve the transfer of know-how to Warsaw Pact countries. The application of the Initial List by the Department of Defense to the export of equipment will be in a manner commensurate with the CCL and the Export Administration Regulations, and will not supersede the technical definitions of the CCL until further refinement dictates suitable specification revisions.

The Initial List is itself not intended as a control list, nor is it intended as a substitute for, or an addition to, the current CCL, nor does it supplant the case-by-case review of export license applications. Further, the specificity with which the technology elements within these areas are identified in many cases needs further refinement for control decisions. Moreover, it should not be construed that technical data not listed should be freed from control.

In the Initial List, technologies are defined under four general categories:

A. *Arrays of Know-How* (including design and manufacturing know-how) are the know-how and related technical information required to achieve a significant development, production or utilization purpose. Such know-how includes services, processes, procedures, specifications, design data and criteria, and testing techniques.

B. *Keystone Equipment* (including manufacturing, inspection or test equipment) is that equipment specifically necessary for the effective application of a significant array of technical information and know-how.

C. *Keystone Materials* are materials specifically necessary for the effective application of a significant array of technical information and know-how.

D. *Goods Accompanied by Sophisticated Know-How* are goods. 1. the use of which requires the provision (disclosure) of a significant array of technical information and know-how (including operation, application or maintenance know-how), and/or

2. for which embedded know-how is inherently derivable by reverse engineering, or is revealed by use of the goods.

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2.0 Computer Technology
3.0 Software Technology
4.0 Automated Real-time Control Technology
5.0 Materials Technology
6.0 Directed Energy Technology
7.0 Semiconductor and Electric Component Technology
8.0 Instrumentation Technology
9.0 Telecommunications Technology
10.0 Communication, Navigation, Guidance and Control Technology
11.0 Microwave Technology
12.0 Vehicular Technology
13.0 Optical and Laser Technology
14.0 Sensor Technology
15.0 Undersea Systems Technology
16.0 Chemical Technology
17.0 Nuclear Specific Technology (Draft being finalized with the Department of Energy for later publication)

1.0 Computer Networks Technology

1.1 Network Architecture

1.2 Implementation Technologies

2.0 Computer Technology

2.1 System Architecture Technology

2.1.1 General System Architecture Technology
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6.1.1 High Energy Laser Technology
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9.1.1 RF Communications Systems Technology
9.1.2 Optical Communications Technology
8.1.3 Acoustic Communications Systems Technology
9.1.4 Space Qualified Telecommunications Equipment Technology

9.2 Switching Technology

9.2.1 Circuit Switching Technology
9.2.2 Message Switching Technology
9.2.3 Packet Switching Technology

9.3 Modems and Multiplexing Technology

9.3.1 Modem Technology
9.3.2 Multiplexing Technology

10.0 COMMUNICATION, NAVIGATION, GUIDANCE, AND CONTROL TECHNOLOGY

10.1 Vehicle Control Technology

10.1.1 Spacecraft Guidance and Control Technology
10.1.1.1 Spacecraft Stabilization Technology

10.1.1.2 Spacecraft Attitude Control Technology
10.1.1.3 Spacecraft Techniques for Space Environmental Effects
10.1.1.4 Satellite Thermal Design Technology
10.1.1.5 Onboard Sensor Techniques Providing Control Information
10.1.2 Air Vehicle Guidance and Control Technology
10.1.2.1 Remote Control Techniques
10.1.3 Ship Guidance and Control Technology
10.1.3.1 Navigation and Positioning Techniques
10.1.3.2 Techniques for In-Water Speed Measurement and Integration
10.1.4 Submersible Guidance and Control Technology

10.2. Inertial Navigation Systems (INS) and Related Technology

10.2.1 Inertial Navigation Systems Integration Technology
10.2.2 Inertial Gimballed Platform Technology
10.2.3 Inertial Strapdown Systems Technology
10.2.4 Floated Ball-Bearing Gyroscope Technology
10.2.5 Gas Bearing Gyroscope Technology
10.2.6 Flexure Rotor Gyroscope Technology
10.2.7 Ring Laser Gyroscope Technology
10.2.8 Electrostatically Supported Gyroscope Technology
10.2.9 Nuclear Magnetic Resonance Gyroscope Technology
10.2.10 Fiber Optics Gyroscope Technology
10.2.11 Low-Cost Gyroscope Technology
10.2.12 Accelerometer Technology
10.2.13 Autopilot Technology
10.2.14 Test, Calibration and Alignment Technology

10.3 Cooperative Systems for Radio Navigation and Radio Communication Technology

10.3.1 Techniques for Platform Cooperative Radio-Navigation and Radio Direction Finding
10.3.1.1 Radio Signal Conversion Technology
10.3.1.2 Radio Signal Detection and Processing Technology
10.3.1.3 Navigation Computation and Control Technology
10.3.1.4 Systems Integration Technology
10.3.2 Platform Cooperative Radio Communication Technology
10.3.2.1 Radio Signal-to-Noise Enhancement Technology
10.3.2.2 Antenna Matching Over a Multiplicity of User Allocated RF Band Technology
10.3.2.3 Radio Signal Transmitting, Receiving Detection, and Processing Technology
10.3.3 General Avionics/Electronics Systems Technology
10.3.3.1 Utilization of Solid-State Digital Components in System Design Technology
10.3.3.2 System Architecture Technology
10.3.3.3 Ruggedized/Hardened Equipment Technology
10.3.4 Display and Control Interface for Integrated Communication/Navigation Technology
10.3.4.1 Improved HUD-Holographic Combiner Lens Technology
10.3.4.2 Voice Control Input Technology

11.0 MICROWAVE TECHNOLOGY

11.1 Microwave Tube Technology

11.1.1 Electron Gun and Beam Design
11.1.2 Microwave Circuits
11.1.3 Microwave Tube Assembly

11.2 Microwave Solid-State Device Technology

11.3 High Power Microwave Control Component Technology

11.4 Waveguide and Component Technology

12.0 VEHICULAR TECHNOLOGY

12.1 Aeronautical Vehicle Technology

12.1.1 Laminar Flow Control (LFC)
12.1.2 Airfoil, Helicopter Rotor and Wing Designs (including high lift devices)
12.1.3 Computer-Aided Design and Manufacture (CAD/CAM)
12.1.4 Technologies for Integrating Sensor Subsystems
12.1.5 Control Configured Vehicles
12.1.6 Flight Control and Flight Management
12.1.7 Electromagnetic Hardening Technology
12.1.8 High Contact Ratio, Double-Helical (Herringbone) Gears
12.1.9 High Survivability (Loss of Lubrication) Technology
12.1.10 Advanced Propellers
12.1.11 Advanced Structural Bonding

12.2 Marine Vehicle Technology

12.2.1 Hydrodynamic Design of Advanced Hull Forms
12.2.2 Foil and Foil Structure Design for Advanced Hydrofoils
12.2.3 Lightweight Marine Platform Structure Technology
12.2.4 Technology for Flexible Curtains and Skirts for Air Bubble Supported Platforms
12.2.5 Automated Platform Controls for Hydrofoils and Other High-Speed Marine Vehicles
12.2.6 Polymer Injection Technology for Drag Reduction

12.3 Deep Submergence Vehicle Technology

12.3.1 Manned Submersibles, Untethered
12.3.2 Manned Submersibles, Tethered and Diving Equipment
12.3.3 Unmanned, Tethered and Towed Submersibles
12.3.4 Unmanned, Untethered Vehicles
12.3.5 Syntactic Foam Technology

12.4 Gas Turbine Propulsion for Aeronautical Vehicle Technology

12.4.1 System Configuration, Aerodynamic and Thermodynamic Analysis
12.4.2 Variable Flowpath Technology
12.4.3 Centrifugal Flow Compressor Aerodynamics
12.4.4 Axial Flow Fan and Compressor Aerodynamics
12.4.5 Turbine Technology
12.4.6 Cooled Turbine Technology
12.4.7 Rotating Propulsion System Structures
12.4.8 High DN Rolling Element Bearings
12.4.9 Gas Film Bearing Design
12.4.10 Ceramic Hybrid Bearing Design
12.4.11 Lube System Seals Technology
12.4.12 Gaspath Sealing Technology
12.4.13 Coating Technology
12.4.14 Combustor Aerodynamics
12.4.15 Combustion System Structures
12.4.16 Afterburner/Ductburner Aerothermodynamics
12.4.17 Frames, Ducts, and Cases
12.4.18 Propulsion System Integration Technology
12.4.19 Electronic Control Technology and diagnostics
12.4.20 Sensors, Actuators, Interfaces, and Interconnections for Advanced Engine Control Systemts
12.4.21 Fuel Pumps
12.4.22 Elecrical Power Generation
12.4.23 Inlet Technology
12.4.24 Nozzles, Thrust Vectoring, and Thrust Reversing Technology
12.4.25 Wind Tunnel and Propulsion Test Cell Technology

12.5 Gas Turbine Propulsion for Marine Vehicle Technology

12.5.1 Gas Turbine Engine Moisture and Particulate Separator Systems
12.5.2 Protective Coating Technology for Marine Gas Turbine Engines
12.5.3 Technology for Heavy Fuel Capability for Marine Gas Turbine Engines
12.5.4 High Temperature Heat Exchanger Technology
12.5.5 Lightweight Combined Gas and Steam Turbine (COGAS) Systems

12.6 Other Marine Propulsion Technology

12.6.1 Composite Shafting
12.6.2 Lightweight Gearing
12.6.3 Water-Cooled and Superconducting Electrical Machinery
12.6.4 Ship Propellers
12.6.5 Advanced Lift Fans
12.6.6 Large Advanced Waterjets

12.7 Energy Generation, Conversion and Storage Technology

12.7.1 Photo Voltaic Cells
12.7.2 Radioactive Thermoelectric and Thermionic Generators
12.7.3 Fuel Cells
12.7.4 Aerospace Quality Nickel-Cadmium and Nickel Hydrogen Batteries
12.7.5 Special Purpose Primary and Reserve Batteries
12.7.6 Lithium Primary and Secondary Batteries
12.7.7 High Energy Density—High Temperature Secondary Batteries
12.7.8 Power Conditioning
12.7.9 Advanced Flywheels for Energy Storage

13.0 OPTICAL AND LASER TECHNOLOGY

13.1 Fiber Optic Technology

13.1.1 Fiber Technology
13.1.2 Fiber Optic Cable Technology
13.1.3 Source and Detector Technology
13.1.4 Fiber optic Connecting and Splicing Technology
13.1.5 Optical Coupler Technology

13.2 Integrated Optic Technology

13.3 Filter Technology

13.4 Mirror and Surface Technology

13.5 Dye Laser Technology

13.6 Gas Laser Technology

13.7 Semiconductor Laser Technology

13.8 Solid-State Laser Technology

13.9 Chemical Laser Technology

14.0 Sensor Technology

14.1 Infrared, Optical and UV Sensor Technology

14.2 Passive X-Ray Sensor Technology

14.3 Conventional Acoustic Sensor Technology

14.4 Fiber Optic Sensor System Technology

14.5 Magnetometer and Magnetic Sensor Technology

14.6 Gravity Meter Technology

14.7 Radar and Related Technology

14.7.1 Systems Architecture, Design and Integration Technology
14.7.2 Transmitter Technology
14.7.3 Advance Radar Antenna Design Technology
14.7.4 Radar Receiver Technology
14.7.5 Signal Processing Technology
14.7.6 Display Technology
14.7.7 Radar Absorbing Material Technology

15.0 Undersea Systems Technology

15.1 Undersea Acoustic Technology

15.1.1 Acoustic Propagation, Modeling, and Forecasting Technology
15.1.2 Acoustic Reception Technology
15.1.3 Acoustic Transmission Technology
15.1.4 Acoustic Display Technology

15.2 Platform Acoustic Technology

15.3 Heavy Lift Salvage Technology

15.4 Deep Sea Sensor Implantation Technology

15.5 Research Facility Technology

16.0 Chemical Technology

16.1 Polymeric Material Technology

16.2 Hydraulic Fluid Technology

16.3 Synthetic Lubricating Oil and Grease Technology

16.4 Synthetic Elastomer Technology

16.5 Atmospheric Purification Technology

17.0 Nuclear Specific Technology

(Draft being finalized with the Department of Energy for later publication)

[FR Doc. 80-3035 Filed 9-30-80; 8:45 am]

BILLING CODE 3810-70-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Monday and Tuesday, 27-28 October 1980, Pomponio Plaza, Rosslyn, Virginia.

The entire meeting, commencing at 0900 hours each day, is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on foreign collection systems.

Dated: September 26, 1980.

M. S. Healy,

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

[FR Doc. 80-30353 Filed 9-30-80; 8:45 am]

BILLING CODE 3810-70-M

Defense Intelligence Agency Advisory Committee; Closed Meetings

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that closed meetings of a Panel of the DIA Advisory Committee will be held as follows:

Thursday and Friday, 13-14 November 1980, Pomponio Plaza, Rosslyn, Virginia.

The entire meetings, commencing at 0900 hours each day are devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on tactical weapons research and development.

Dated: September 26, 1980.

M. S. Healy,

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

[FR Doc. 80-30352 Filed 9-30-80; 8:45 am]

BILLING CODE 3810-70-M

DELAWARE RIVER BASIN COMMISSION

Business Meeting and Public Hearing on Approval of Project Applications

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, October 8, 1980, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular October business meeting which is open to the public. Both the hearing and the meeting will be held in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be applications for approval of the following projects as amendments to the Commission's Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *City of Millville (D-80-37 CP).* A well water supply project to augment public water supplies in the City of Millville, Cumberland County, N.J. Designated as Well No. 16, the new facility is expected to yield up to 1.15 million gallons per day, which will be used as replacement for an existing

well. The City's diversion from all sources will not be increased.

2. *Warminster Township Municipal Authority (D-80-51 CP).* A well water supply project to provide replacement service in Warminster Township, and Ivyland Borough, Bucks County, Pa. Designated as Well No. 36, the new facility is expected to yield 180,000 gallons per day to partially replace water from two wells which have been taken out of service because of contamination.

3. *Manwalamink Water Company (D-80-65 CP).* A well water supply project in Smithfield Township, Monroe County, Pa. The well would have a capacity of 430,000 gallons a day and be used as an alternate source for an existing well. It would also improve fire protection capabilities in the service area.

4. *Metropolitan Edison Company (D-74-32 Revised).* An industrial wastewater treatment project at the Company's generating station in Cumru Township, Berks County, Pa. Modifications to the cooling water and industrial wastewater treatment facilities include the retention of an existing discharge line and revision of the flow design with more water reuse.

Documents relating to the above-listed project may be exmained at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

September 24, 1980

[FR Doc. 80-30423 Filed 9-30-80; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Case Number: 06-043721 (Region VI) and 06-065581-3-G (Region IV)

Triangle Refineries Inc.; Request for Approval To Reassign Volumes From Closed Retail Outlets To Open Retail Outlet

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is hereby providing notice, in accordance with 10 CFR 205.33(a), to all base period purchasers of Triangle Refineries, Incorporated and Cloverleaf Service Stations Incorporated, of a request for ERA approval to reassign volumes of closed retail outlets of Triangle/Cloverleaf to outlets that will remain open. This action was requested pursuant to 10 CFR 211.106(b)(3)(i).

SUPPLEMENTARY INFORMATION: On April 8, 1980, the Office of Petroleum Operations of the ERA received an application filed by Triangle Refineries, Incorporated requesting approval to reassign the base period volumes of closed retail outlets to outlets that will remain open in various market areas located in the states of Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas. These outlets were previously supplied and operated by Cloverleaf Service Stations, Incorporated, a wholly owned subsidiary of Triangle. Coverleaf was merged into Triangle on January 1, 1980 thereby transferring Cloverleaf's supplier obligations to Triangle.

All base period purchasers of Triangle or Cloverleaf are hereby provided the opportunity to submit written comments to ERA in support of or in opposition to the application. If you oppose the application on the grounds that approval of it would adversely affect your business, you should set forth in detail the following information:

1. Your name and address.

2. The person or company from whom you presently purchase gasoline and whether your business operates under the trademark of your supplier.

3. The volume, in gallons, of motor gasoline purchased and sold by your business in each month from November 1, 1977 until the present.

4. The adverse effect which you believe approval of the application would have on your business.

Applicants Mailing Address: Triangle Refineries, Incorporated, Kerr McGee Center, Oklahoma City, Oklahoma 73125.

DOE can consider alleged adverse effects on your business only if such allegations are supported by the best available data. Broad and unsubstantiated allegations of adverse impact will be disregarded.

DOE will consider your written comments along with those submitted by the applicant and other interested persons. If you submit written comments, you will be notified of DOE's decision.

Your written comments should be hand-delivered or received by mail not later than October 31, 1980 to the following addresses:

For the states of: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas (Case number 06-043721)—Department of Energy—Region VI, Office of Petroleum Operations, Post Office Box 25228, 2626 West Mockingbird Lane, Dallas, Texas 75235.

For the states of: Kentucky, Tennessee, Georgia, Alabama, and Mississippi (Case number 04-065581-3-G)—Department of Energy—Region IV, Office of Petroleum Operations, 1655 Peachtree Street North East, Atlanta, Georgia 30309.

Please be sure to include the appropriate case number above in any correspondence regarding this application.

You are required to transmit a copy of your comments to the applicant. Should you wish to claim portions of your comments as confidential, you should send a copy to the applicant with the confidential portion deleted and send a copy of the unabridged version, as well as the version with the information deleted, to the Department of Energy. If you want DOE to treat as confidential portions of the information which you submit to it, it will do so if you so request and if information is of a type entitled to such confidential treatment under the Freedom of Information Act, 5 U.S.C. § 552, amended; 10 U.S.C.§ 1905, 10 CFR 205.9; or under other Federal statutes, regulations or rules. Trade secrets and certain commercial and financial information are entitled to confidential treatment.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration, Region VI.

September 17, 1980.

[FR Doc. 80-30510 Filed 9-30-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Contract Award

AGENCY: Economic Regulatory Administration.

ACTION: Notice of proposed contract award.

SUMMARY: In accordance with Department of Energy (DOE) Procurement Regulations, Title 41, Subpart 9-1.5409, published in the **Federal Register** on January 11, 1979 (44 FR 2556), the Economic Regulatory Administration (ERA) gives public notice that a contract award, recognizing the existence of potential organizational conflicts of interest, is in the interest of the United States.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Farman, Office of Fuels Conversion, Economic Regulatory Administration, Room 3112-J, 2000 M Street, N.W., Washington, DC 20461.

SUPPLEMENTARY INFORMATION: Upon the basis of the following findings and determination, the proposed contract

described below is being awarded, after taking into account the existence of potential organizational conflicts of interest, because the procurement is determined to be in the best interest of the United States pursuant to the authority of Department of Energy Procurement Regulations 41 CFR 9–1.5409(a)(3).

Findings

(1) The Department of Energy (DOE), Economic Regulatory Administration (ERA), Office of Fuels Conversion implements the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (the "Act") (Pub. L. 95–966). A primary purpose of the Act is to reduce the importation of petroleum and increase the Nation's capability to use indegenous energy resources of the United States by encouraging and fostering the greater use of coal and other alternate fuels, as a primary energy source by utilites and major fuel burning installations. In implementing the Act, ERA, on an individaul facility basis, (1) issues prohibition orders against the further use of natural gas or petroleum, and (2) processes petitions for exemption from the prohibitions contained in the Act.

(2) In the course of implementing the Act, it is necessary for ERA to validate cost estimates submitted in petitions for exemption. These estimates involve the capital and operating costs associated with using petroleum, natural gas, coal and other alternate fuels as primary fuels in boilers. The generic cost data system to be developed as a result of this procurement will assist ERA in the validation of these submissions.

A request for Proposal (RFP) was published in the Commerce Business Daily. Proposals were received from five (5) firms. As a result of the evaluation process, it was determined that three (3) firms were in the competitive range. Mathtech, Inc. and their proposed subcontractor, Burns and Roe Industrial Services Company, were selected for award.

(3) In accordance with 41 CFR 9–1.5405, all three (3) offerors in the competitive range provided disclosure of information concerning their interests related to the contract work to be performed. To aid in the information-gathering process, detailed questions concerning the nature of their businesses and how various aspects of them (e.g. organizational, financial, past or current contracts) could contribute to a possible organizational conflict of interest were provided to each contractor. As a result of this process, DOE was furnished with information concerning whether possible organizational conflicts of interest exist with respect to (1) a contractor's ability to render impartial technically sound and objective assistance or advice, and (2) whether an unfair competitive advantage may be conferred on a contractor as a result of performing specific tasks.

(4) After a thorough review of the information submitted, DOE was unable to find that there is little or no likelihood that a possible organizational conflict of interest exists for any of the three (3) offerors. This result is due to the nature of the business in which the offerors (or their subcontractors) are engaged. All three (3) offerors (or their subcontractors) exhibit potential organizational conflicts of interest to the same degree.

(5) If an award is made to any of the three (3) firms in the competitive range, the possibility exists that the firm would be simultaneously performing similar technical analyses both for the Government and for private clients in support of different actions under the Act.

(6) DOE has been unable to develop reasonable contractual language to totally avoid the type of potential conflict of interest recognized in this case. Furthermore, it is unreasonable as a condition of the award to restrict any further the ability of a firm to secure business in the private sector beyond that provided in the Special Contract Clause (41 CFR 9–1.5406–2(b)).

Determination

In light of the above findings, I hereby determine in accordance with 41 CFR 9–1.5409(a)(3) that award of this contract would be in the best interest of the United States.

Dated: September 29, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

[FR Doc. 80–30588 Filed 9–29–80; 1:00 pm]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed Week of August 18, Through 22, 1980

During the week of August 18 through August 22, 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 30, 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,

Acting Director, Office of Hearings and Appeals.

September 23, 1980.

Marathon Oil Co., Findlay, Ohio, BRO–1295, natural gas

On August 20, 1980 Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840 filed a Notice of Objection to a Proposed Remedial Order which the Office of Special Counsel for Compliance issued to the firm on July 23, 1980. In the PRO the Office of Special Counsel found that during the period August 1973 through October 1978 Marathon allegedly reported excessive increased product costs by assigning values to natural gas liquids and natural gas liquid products transferred between its affiliates and treating these transfers for reporting purposes as though they were acquired from unaffiliated entities in arms-length transactions. Marathon also allegedly reported increased shrinkage costs attributable to the production of natural gas liquids and natural gas liquid products in excess of those permitted under a proper application of the regulations. According to the PRO the Marathon violation resulted in a reporting of excessive increased costs in an amount of not less than $11,712,172.

Zinner's Marina, Inc., Mt. Clemens, Mich., BRO–1294, motor gasoline

On August 18, 1980, Zinner's Marina, Inc., 32895 South River Road, Mt. Clemens, Michigan 48095 filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on July 30, 1980. In the PRO the Central District found that during the period April 16, 1980 to July 16, 1980 Zinner's Marina had been charging prices for gasoline in excess of the maximum lawful selling price allowed by 10 CFR Part 212.

According to the PRO, the Zinner's Marina violation resulted in $1,031.79 of overcharges.

[FR Doc. 80–30286 filed 9–30–80; 8:45am]

BILLING CODE 6450–01–M

Cases Filed; Week of August 8 Through 15, 1980

During the week of August 8, 1980 through August 15, 1980, the appeals and

applications for exceptions 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 Hearings and Appeals.

September 23, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Aug. 8 through Aug. 15, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 7, 1980	General Machine Corporation, Emmaus, Pennsylvania.	BXE-1336	Extension of Relief Granted in General Machine Corp. DOE ¶ . (March 25, 1980). If granted: General Machine Corp. would receive an extention of the relief granted in the March 25, 1980 Decision and Order (Case No. BEE-0422) regarding the test of its coal fired residential hot water heating boiler, Model DF520.
Aug. 8, 1980	Benson-Montin-Greer Drilling Corp., Washington, D.C.	BEL-1118	Request for Temporary Exception. If granted: Benson-Montin-Greer Drilling Corporation would receive a temporary exception from the provisions of 10 CFR 212.75 pending a final determination on their Application for Exception (Case No. BEE-1118).
Aug. 8, 1980	DeMenno/Kerdoon, Los Angeles, California	BEL-0091, BES-0091.	Request for Temporary Exception and Stay. If granted: Temporary Exception and Stay relief would be granted to DeMenno/Kerdoon in connection with the August 1, 1980, Decision and Order (Case No. BST-0085) issued to Little America Refining Company.
Aug. 8, 1980	Gladieux Refinery, Inc., Washington, D.C	BEA-0443	Appeal of Entitlements Notice. If granted: The May 1980 Entitlements Notice would be modified with respect to Gladieux Refinery, Inc.'s entitlements purchase obligations.
Aug. 8, 1980	Hogan & Hartson (Raymond J. Batla, Jr.), Washington, D.C.	BFA-0442	Appeal of an Information Request Denial. If granted: The July 9, 1980, Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Hogan & Hartson would receive access to information with respect to crude oil "layering" (10 CFR 212.186).
Aug. 8, 1980	J. D. Streett & Company, Inc., Washington, D.C	BRS-0090	Request for Stay. If granted: J. D. Street & Company, Inc. would receive a stay of its obligation to file a response within 30 days to the July 10, 1980, Notice of Probable Violation.
Aug. 8, 1980	McGoldrick Oil Co. (H. J. Collins), Shreveport, Louisiana.	BEE-1337	Price Exception. If granted: McGoldrick Oil Co. would be permitted to sell at market prices the crude oil produced from the H. J. Collins Lease located in Wallace Lake Field, Catahoula Parish, Louisiana.
Aug. 11, 1980	Dobrovir, Oakes and Gebhardt, Washington, D.C	BFA-0445	Appeal of an Information Request Denial. If granted: The July 11, 1980, Information Request Denial issued by the Acting Assistant General Counsel for Legal Counsel would be rescinded and Dobrovir, Oakes and Gebhardt would receive access to records concerning the investigations of improper conduct by former Federal Energy Administrator Kenneth L. Dupuy, Georgia State Energy Director, Lewis E. Spruill, and U.S. Transport Inc. president, William E. Corey.
Aug. 11, 1980	Getty Reserve Oil Company, Denver, Colorado	BXE-1342	Extension of Relief granted in Getty Reserve Oil Company DOE ¶ (July 28, 1980). If granted: Getty Reserve Oil Company would be permitted to continue to sell at market prices the crude oil produced from the Jack Canyon Wells in Carbon County, Utah.
Aug. 11, 1980	J. T. Collier & Sons Oil Company, Jessup, Georgia	BEN-0566	Interim Decisions and Order. If granted: The exception relief set forth in the Proposed Decisions and Order would be implemented immediately.
Aug. 11, 1980	Meharry Medical College, Nashville, Tennessee	BFA-0444	Appeal of an Information Request Denial. If granted: Meharry Medical College would receive access to certain DOE information.
Aug. 11, 1980	Sentry Refining, Inc., Washington, D.C	BEE-1339	Exception from the Entitlements Program. If granted: Sentry Refining, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Aug. 11, 1980	Vic and Lou's Union	BRT-0090	Request for Temporary Stay. If granted: Vic and Lou's Union would receive a temporary stay of the June 18, 1980, Final Remedial Order (Case No. BRO-0090).
Aug. 11, 1980	Western Refining Company, Los Angeles, California	BEL-0063	Request for Temporary Exception. If granted: Western Refining Company would be granted a temporary exception from the August 1, 1980, Decision and Order issued to Little America Refining Company by the Office of Hearings and Appeals (Case No. BST-0085).
Aug. 11, 1980	York Division Unitary Products, York, Pennsylvania	BEE-1338	Exception from the Energy Conservation Program for Consumer Products. If granted: York Division Unitary Products would receive an exception from the provisions of 10 CFR 430 which would permit the firm to modify the energy efficiency procedures applicable to Enmod Heat Pump.
Aug. 12, 1980	Farmers Union Central Exchange, St. Paul, Minnesota.	BEE-1340, BEL-1340.	Exception and Temporary Exception from the Entitlements Program. If granted: Farmers Union Central Exchange would receive an exception and a temporary exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Aug. 12, 1980	Sambo's Service, Gallatin, Missouri	BEE-1341	Allocation Exception. If granted: Sambo's Service would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Aug. 13, 1980	Charter Oil Company, Jacksonville, Florida	BEL-1062	Temporary Exception. If granted: Charter Oil Company would receive a temporary exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses related to the blending, storage, distribution and marketing of gasohol.
Aug. 13, 1980	Thriftway Company, Washington, D.C.	BST-0092, BES-0092.	Request for Stay and Temporary Stay. If granted: Thriftway Company would receive a stay and a temporary stay of the provisions of a Directed Purchase Order that was issued to the firm by DOE's Entitlement Office on August 4, 1980.
Aug. 14, 1980	Coastal State Gas Corp./Lo-Vaca Gathering Company, San Antonio, Texas.	BEX-0084	Supplemental Order. If granted: The June 17, 1980, Decision and Order issued to Coastal States Gas Corporation and Lo-Vaca Gathering Company would be modified.
Aug. 14, 1980	Publix Oil Company, Morristown, Tennessee	BEX-0085	Supplemental Order. If granted: The July 24, 1980, Decision and Order (Case No. DEE-8115) issued to Publix Oil Company would be modified.
Aug. 14, 1980	White Petroleum Inc./Rock Island Refining Corporation, Washington, D.C.	BEJ-0123	Motion for Protective Order. If granted: White Petroleum, Inc. would enter into a Protective Order with Rock Island Refining Corporation regarding the release of proprietary information in connection with White Petroleum, Inc.'s Application for Exception (Case No. DEE-7395).
Aug. 15, 1980	Energy Action Educational Foundation, Washington, D.C.	BFA-0447	Appeal of an Information Request Denial. If granted: The July 15, 1980, Information Request Denial issued by the Office of Policy and Evaluation would be rescinded and the Energy Action Educational Foundation would receive access to the DOE study entitled "Costs and Benefits of a Tariff on Imported Petroleum Products."
Aug. 15, 1980	Mobil Oil Corporation, Torrance, California	BEE-1344	Price Exception. If granted: Mobil Oil Corporation would receive an exception from the provisions of 10 CFR 212.83, regarding the passthrough costs to customers.

Notices of Objection Received

[Week of Aug. 8 through Aug. 15, 1980]

Date	Name and location of applicant	Case No.
8/8/80	Young Refining Corp., Washington, D.C.	BEE-1296
8/11/80	Rhodes, Inc., White Plains, New York.	BEE-0768
8/8/80	National Co., Fresno, California	BEE-0778
8/11/80	Wherrell Oil Co., Florida	DEE-0635
8/12/80	Acme, Inc., North Carolina	BEE-0635
8/14/80	Mid-Atlantic Petroleum Corp., Washington, D.C.	DEE-7881

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of Aug. 8 to Aug. 15, 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
Gower Mobil	BXE-1345, 8/15/80	Okla.

[FR Doc. 80-30202 Filed 9-30-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of August 15 Through 22, 1980

During the week of August 15 through August 22, 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 Hearings and Appeals.

September 23, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Aug. 15, through Aug. 22, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 15, 1980	American Agri-Fuel Corporation, Kansas City, Missouri.	BEN-1255	Interim Order. If granted: American Agri-Fuel Corporation would receive exception relief on an interim basis pending a final determination of its Application for Exception (Case No. BEE-1255).
Aug. 15, 1980	Chestertown Shorgas Company, Chestertown, Maryland.	BEN-0050	Interim Order. If granted: Chestertown Shorgas Company would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. DEE-2080).
Aug. 15, 1980	Giant Industries, Inc., Washington, D.C.	BEE-1346, BEL-1346.	Exception form the Entitlements Program. If granted: Giant Industries, Inc. would receive an exception from the provisions of 10 CFR 211.67, modifying its entitlements purchase obligations.
Aug. 15, 1980	Little America Refining Company, Inc., Casper, Wyoming.	BEX-0086	Supplemnetal Order to Little America Refining Company, Inc. DOE, ¶ (August 1, 1980). If granted: The relief granted in the August 1, 1980, Decision and Order issued to Little America Refining Company, Inc. (Case No. BST-0085) would be extended.
Aug. 15, 1980	Texaco, Inc., White Plains, New York	BEN-1246	Interim Order. If granted: Texaco, Inc. would receive exception relief on an interim basis pending a final determination of its Application for Exception (Case No. BEE-246).
Aug. 15, 1980	Witco Chemical Corporation, Arlington, Virginia	BEL-1306	Temporary Exception. If granted: Witco Chemical Corporation would recieve a temporary exception from the provisions of 10 CFR 211.67, increasing the number of entitlements issued to the firm.
Aug. 18, 1980	C/SI Incorporated, Bonner Spring, Kansas	BEE-1281	Exception form the Energy Conservation Program for Consumer Products. If granted: C/SI Incorporated would not be required to perform energy efficiency tests of its Two-Fuel Warn Air Furnaces as otherwise required by 10 CFR 430.
Aug. 18, 1980	H. H. Gungoll & Associates, Enid, Oklahoma	BRH-1234	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objecttions submitted by H. H. Gungoll & Associates in response to the Proposed Remedial Order issued to the firm (Case No. BRO-1234).
Aug. 18, 1980	Trends Publishing, Inc., Washington, D.C.	BFA-0448	Appeal of an Informtion Request Denial. If granted: The August 6, 1980, information request denial issued to Trends Publishing, Inc. by the Office of International Affairs would be rescinded and another search would be performed for documents relating to the Charter Company, Billy Carter and the Libyan National Oil Company.
Aug. 18, 1980	White Petroleum/Standard Oil Company of Ohio, Washington, D.C..	BEJ-0124	Motion for Protective Order. If granted: DOE would enter a Protective Order between Standard Oil Company of Ohio and White Petroleum Company regarding the release of proprietary information in connection with White Petroleum Company's Application for Exception (Case No. DEE-7395).
Aug. 19, 1980	Little America Refining Company, Incorporated, Casper, Wyoming.	BEN-1064	Interim Order. If granted: Little America Refining Company would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1064).
Aug. 19, 1980	Rousseau's Texaco, New Haven, Connecticut	BEZ-0045	Interlocutory Order. If granted: Rousseau's Texaco will provide on an expedited basis the factural material which is necessary to resolve petitions or exception relief involving claims of price disparity.
Aug. 20, 1980	Atlantic Richfield Company, Dallas, Texas	BXE-1369	Extension of relief granted in *Atlantic Richfield Company* 5 DOE ¶ (May 7, 1980). If granted: Atlantic Richfield Company would be permitted to continue sell crude oil produced from the Platform Spark, Cook Inlet, Alaska at upper tier ceiling prices.
Aug. 20, 1980	Big Muddy Oil Processors, Casper, Wyoming	BXE-1368	Extension of relief granted in *Valetine & Sons, Inc.*, 2 DOE ¶ 81,006 (1978). If granted: Big Muddy Oil Processors would be permitted to continue to sell reclaimed crude oil at market prices.
Aug. 20, 1980	Brock Exploration Corporation, Washington, D.C	Bee-1351, BEL-1351.	Price Exception. If granted: Brock Exploration Corporation would be permitted to sell the crude oil produced from the LSU No. 5 Union located in St. James Parish, Louisiana, at upper tier ceiling prices.
Aug. 20, 1980	C & M Oil, Incorporation, Kimball, Nebraska	BEE-1364	Price Exception. If granted: C & M Oil, Incorporated would receive an exception from the provisions of 10 CFR 212 regarding stripper well certification.
Aug. 20, 1980	Cities Service/White Petroleum, Washington, D.C.	BEJ-0128	Motion for Protective Order. If granted: DOE would enter a protective order between White Petroleum and Cities Service regarding the release of proprietary information to Cities Service in connection with White Petroleum's Application for Exception (Case No. DEE-7395).

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Aug. 15, through Aug. 22, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 20, 1980	Farmers Union Central Exchange, Incorporated, St. Paul, Minnesota.	BEE-1373	Exception from the Entitlements Program. If granted: Farmers Union Central Exchange, Incorporated would receive an exception from the provisions of 10 CFR 211.67 modifying its entitlements sale obligations.
Aug. 20, 1980	Guam Oil & Refining Company, Incorporated, Washington, D.C.	BES-0093, BST-0093.	Request for Stay and Temporary Stay. If granted: The July 28, 1980, Decision and Order (Case No. FEE-4105) issued to Guam Oil Refining Company, Inc. would be stayed pending final judicial review.
Aug. 20, 1980	Max B. Dixon, *et al.*, Cordelle, Georgia	BSG-0033	Petition for Special Redress. If granted: OHA would review the supply obligations and practices of Chevron, U.S.A., Incorporated in relation to four distributors: (1) Max B. Dixon; (2) R.J. Popham, Inc.; (3) E.C.C. Hildreth, Inc., and (4) Dan J. Smith Distributors, Inc.
Aug. 20, 1980	McAlester Fuel Company, Houston, Texas	BEE-1355	Price Exception. If granted: McAlester Fuel Company would be permitted to sell the crude oil produced from the Kelly Field Tyler Sand Unit, Musselshell County, Montana, at upper tier ceiling prices.
Aug. 20, 1980	Metropolitan Fuels Company, Bethesda, Maryland	BEE-1353	Exception to the Reporting Requirements. If granted: Metropolitan Fuels Company would not be required to file Form EIA-172.
Aug. 20, 1980	Navajo Refining Company, Dallas, Texas	BXE-1356	Exception to the Entitlements Program. If granted: Navajo Refining Company would receive an exception from the provisions of 10 CFR 211.67, modifying its entitlements purchase obligations.
Aug. 20, 1980	Northeast Petroleum Industries, Incorporated, Washington, D.C.	BEE-1350	Exception to the Entitlements Program. If granted: Northeast Petroleum Industries, Incorporated would receive an exception from the provisions of 10 CFR 211.67, modifying its entitlements purchase obligations.
Aug. 20, 1980	Office of Special Counsel, DOE, Washington, D.C	BEZ-0046	Interlocutory Order. If granted: OHA would accept jurisdiction under 10 CFR Part 205, Subpart V, over the funds placed under the fiduciary control of the DOE pursuant to the Consent Order between DOE and Continental Oil Company on August 11, 1978.
Aug. 20, 1980	Office of Enforcement, DOE, Washington, D.C	BEZ-0047	Interlocutory Order. If granted: OHA would accept jurisdiction under 10 CFR Part 205, Subpart V, over the funds placed under the fiduciary control of the DOE pursuant to the Consent Order between DOE and Jack E. Guenther on March 22, 1979.
Aug. 20, 1980	Office of Special Counsel, DOE, Washington, D.C	BEZ-0048	Interlocutory Order. If granted: OHA would accept jurisdiction under 10 CFR Part 205, Subpart V, over the funds placed under the fiduciary control of the DOE pursuant to the Consent Order between DOE and the Coastal Corporation.
Aug. 20, 1980	Office of Special Counsel, DOE, Washington, D.C	BEZ-0049	Interlocutory Order. If granted: OHA would accept jurisdiction under 10 CFR Part 205, Subpart V, over the funds placed under the fiduciary control of the DOE pursuant to the Consent Order between DOE and Standard Oil Company of Indiana on February 14, 1980.
Aug. 20, 1980	Placid Refining Company, Washington, D.C.	BEE-1352	Exception to the Entitlements Program. If granted: Placid Refining Company would receive an exception from the provisions of 10 CFR Part 211.67 which would modify its entitlements purchase obligations.
Aug. 20, 1980	Scripps-Howard Newspapers, Washington, D.C	BFA-0449	Apeal of an Information Request Denial. If granted: The July 28, 1980, Information Request Denial issued by the Office of Management Support would be rescinded, and Scripps-Howard Newspapers would receive access to materials regarding the former Vitro Rare Metals Plant.
Aug. 20, 1980	Smith's Petroleum Marketing Company, Incorporated, Washington, D.C.	BED-0397	Motion for Discovery. If granted: Discovery would be granted to Smith's Petroleum Marketing Company, incorporated in connection with its Appeal in Case No. BEA-0397.
Aug. 20, 1980	Sun Oil Company of Pennsylvania, Philadelphia, Pennsylvania.	BEE-1349	Price Exception. If granted: Sun Oil Company of Pennsylvania would be granted an exception from the provisions of 10 CFR 212 (Subpart E) which would permit the firm to pass through the Connecticut gross receipts tax to the prices charged for covered products sold in Connecticut.
Aug. 21, 1980	American Natural Gas Production Company of Washington, D.C.	BEN-0052	Interim Order. If granted: American Natural Gas Production Company would receive exception relief on an interim basis pending a final determination of its Application for Exception (Case No. DEE-6730).
Aug. 21, 1980	Thriftyman, Inc., Washington, D.C	BRS-0095	Request for Stay. If granted: Thriftyman, Inc. would receive a stay of the July 29, 1980, Notice of Probable Violation issued by the Office of Enforcement, Region VI.
Aug. 22, 1980	Seattle-Post Intelligencer, Seattle, Washington	BFA-0450	Appeal of an Information Request Denial. If granted: The July 18, 1980, Information Request Denial issued by the Bonneville Power Administration would be rescinded and the Seattle-Post Intelligencer would receive access to DOE documents.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of Aug. 15 to Aug. 22, 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
Marina Chevron Service.	BEE-1347, 8/15/80	Wash., D.C.
	BEL-1347, 8/15/80	Wash., D.C.
Advanced Sales Corp.	BXE-1348, 8/18/80	Florida.
Dollar Rent-a-Car	BEN-0051, 8/20/80	Colorado.

Notices of Objection Received

[Week of Aug. 15 to Aug. 22, 1980]

Date	Name and location of applicant	Case No.
8/18/80	Parker Energy & Petroleum	BEE-1234
8/18/80	Webber Oil Co	BEE-0804
8/19/80	DeMartin Truck Lines, Inc., Bakersfield, Calif.	DEE-1420
8/20/80	Chevron, U.S.A., Louisville, Ky	BEE-0576
8/20/80	McMahon Oil Co., Cleveland, Tex.	DEE-2904

[FR Doc. 80-30284 Filed 9-30-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of August 22 Through 28, 1980

During the week of August 22 through August 28, 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 Hearings and Appeals.
September 23, 1980.

Date	Name and location of applicant	Case No.	Type of submission
Aug. 22, 1980	Atlantic Gasohol Fuels Co., Suffolk, Virginia	BEE-1358	Allocation Exception. If granted: Atlantic Gasohol Fuels Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded gasoline for the purpose of blending gasohol.
Aug. 22, 1980	Cities Service Co./Sage Creek Refining Co., Tulsa, Oklahoma.	BEJ-0125	Motion for Protection Order. If granted: Cities Service Company would enter into a Protective Order with Sage Creek Refining Company regarding the release of proprietary information to Cities Service Company in connection with Sage Creek Refining Company's Application for Exception (Case No. BEE-0604).
Aug. 22, 1980	Koch Industries, Inc., Wichita, Kansas	BEA-0451	Appeal of Assignment Order. If granted: The July 15, 1980, Assignment Order issued to Koch Industries, Inc. by the Economic Regulatory Administration regarding the firm's supply obligations to Monarch Oil & Supply Company and Prairie State Petroleum Company would be rescinded.
Aug. 22, 1980	USA Petroleum Corporation, Washington,D.C	BEE-1357	Exception from the Entitlements Program. If granted: U.S.A. Petroleum Corporation would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Aug. 25, 1980	Cadence Chemical Resources, Inc., Michigan City, Indiana.	BEE-1360	Exception from the Entitlements Program. If granted: Cadence Chemical Resources, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements obligations.
Aug. 25, 1980	Chevron, U.S.A., Inc., San Francisco, California	BEE-1359	Price Exception. If granted: Chevron, U.S.A., Inc. would be granted an exception from the provisions of 10 CFR 212, Subpart E, which would permit the firm to pass through the Connecticut gross receipts tax to the prices it charges for covered products sold in Connecticut.
Aug. 25, 1980	Cities Service/Plateau, Inc., Tulsa, Oklahoma	BEJ-0126 and BED-1049.	Motion for Protective Order and Discovery. If granted: Cities Service would enter into a Protective Order with Plateau, Inc. regarding the release of proprietary information to Cities Service in connection with Plateau, Inc.'s Application for Exception (Case No. BEE-1064). Discovery would be granted to Cities Service in connection with Plateau, Inc.'s Application for Exception.
Aug. 25, 1980	Cities Service Co./Thriftway Company, Farmington, New Mexico.	BEJ-0127	Motion for Protective Order. If granted: Cities Service Company would enter into a Protective Order with Thriftway Company regarding the release of proprietary information to Cities Service in connection with Thriftway's Application for Exception (Case No. BEE-1206).
Aug. 25, 1980	Colonial Oil Industries, Inc., Savannah, Georgia	BEE-1364	Exception from the Entitlements Program. If granted: Colonial Oil Industries, Inc. would receive an exception from the provisions of 10 CFR 211.67, which would modify its entitlements sales obligations.
Aug. 25, 1980	Mapco, Inc., Tulsa, Oklahoma	BEE-1362	Price Exception (Section 212.73). If granted: Mapco, Inc. would be permitted to sell at upper tier ceiling prices the crude oil produced from the Sorenson 1-8 lease located in Altamont Field, Utah.
Aug. 25, 1980	Milwaukee Metropolitan Sewerage District, Milwaukee, Wisconsin.	BEE-1361	Exception from the Entitlements Program. If granted: Milwaukee Metropolitan Sewerage District would receive an exception from the provisions of 10 CFR 211.67 which would modify its en<titlements purchase obligations for the period of January and February 1980.
Aug. 25, 1980	Petr-All Petroleum Consultants Corporation, Inc., Dryden, New York.	BEE-1363	Allocation Exception. If granted: Petr-All Petroleum Consultants Corporation, Inc. 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. 25, 1980	Southland Corporation, Washington, D.C	BEA-0452 and BES-0452.	Appeal of an ERA Assignment Order and Request for Stay. If granted: The August 5, 1980, Assignment Order issued to Southland Corporation by the Economic Regulatory Administration, Region X, regarding Chevron U.S.A.'s supply obligations to the firm would be rescinded. Southland Corporation would receive a stay of the Assignment Order pending a final determination on its Appeal.
Aug. 26, 1980	American Can Company, Greenwich, Connecticut	BEE-1372	Exception from the Entitlements Program. If granted: American Can Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.
Aug. 26, 1980	Commonwealth Oil Refining Company, Inc., San Antonio, Texas.	BEL-1308	Temporary Exception from the Entitlements Program. If granted: Commonwealth Oil Refining Company, Inc. would receive a temporary exception from the provisions of 10 CFR 211.67 pending a final determination on its Application for Exception (Case No. BEE-1308).
Aug. 26, 1980	Conoco, Inc., Washington, D.C	BFA-0453	Appeal of an Information Request Denial. If granted: The August 26,1980, Information Request Denial issued by the Office of Special Counsel would be rescinded, and Conoco, Inc. would receive access to documents relating to the August 11, 1978, Consent Order entered into by Conoco, Inc. and the Office of Special Counsel.
Aug. 26, 1980	Irving Oil Corporation, Washington, D.C	BEE-1366	Exception from the Entitlements Program. If granted: Irving Oil Corporation would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.
Aug. 26, 1980	Midwest Solvents Company, Inc., Atchison, Kansas.	BEE-1370	Exception to the Entitlements Program. If granted: Midwest Solvents Company, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.
Aug. 26, 1980	Nashville Thermal Transfer Corp., Nashville, Tennessee.	BEE-1371	Exception from the Entitlements Program. If granted: Nashville Thermal Transfer Corporation would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.
Aug. 27, 1980	American Friends Service Committee, Atlanta, Georgia.	BFA-0454	Appeal of an Information Request Denial. If granted: The August 5, 1980, Information Request Denial issued by the Office of Classification would be rescinded and American Friends Service Committee would receive access to certain DOE documents.
Aug. 27, 1980	County Sanitation Districts of Orange County of CA. Fountain Valley, California.	BEE-1374	Exception to the Entitlements Program. If granted: County Sanitation Districts of Orange County, California would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.
Aug. 27, 1980	Shepherd Oil Company, Jennings, Louisiana	BEL-0064	Temporary Exception from the Entitlements Program. If granted: Shepherd Oil Company would receive a temporary exception from the provisions of 10 CFR 211.67, pending a final determination of its Application for Exception (Case No. BEE-1065).
Aug. 27, 1980	Yetter Oil Company, Burlington, Iowa	BEE-1367	Exception from the Entitlements Program. If granted: Yetter Oil Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.

Date	Name and location of applicant	Case No.	Type of submission
Aug. 28,1980	Ashland Oil, Inc., Ashland, Kentucky	BEE-1377	Price Exception. If granted: Ashland Oil, Inc. would be granted an exception from the provisions of 10 CFR 212, Subpart E, which would permit the firm to pass through the Connecticut gross receipts tax to the prices it charges for covered products sold in Connecticut.
Aug. 28, 1980	C. H. Sprague & Son Company, New York, New York.	BRA-0455	Appeal of a Proposed Remedial Order. If granted: The August 20, 1980, Proposed Remedial Order issued to C. H. Sprague & Sons Company by the Economic Regulatory Administration, Region I, would be rescinded.
Aug. 28, 1980	Chevron, U.S.A., Inc., San Francisco, California	BEE-1378	Price Exception. If granted: Chevron, U.S.A., Inc. would receive an exception to the provisions of 10 CFR 212.83, with respect to the cost allocation of unleaded premium motor gasoline.
Aug. 28, 1980	Cross Roads Grocery, Leeds, Alabama	BRW-0059	Remedial Order Finalization. If granted: A proposed Remedial Order issued to Cross Roads Grocery on March 26, 1980, would be issued as a final Remedial Order.
Aug. 28, 1980	Placid Refining Company, Washington, D.C.	BEA-0457 and BES-0457.	Appeal of Entitlements Notice and Request for Stay. If granted: The May 1980 Entitlements Notice would be modified with respect to Placid Refining Company's entitlements a purchase obligation. Placid Refining Company would receive a stay of the May 1980 Entitlements Notice pending a final determination on its Appeal.
Aug. 28, 1980	Publix Oil Company, Inc., Washington, D.C.	BEX-0087	Supplemental Order. If granted: The July 24, 1980, Decision and Order (Case No. DEE-8115) would be modified pending judicial review.
Aug. 28, 1980	Wisconsin Environmental Decade, Madison, Wisconsin.	BFA-0456	Appeal of an Information Request Denial. If granted: The August 19, 1980, Information Request Denial issued by the Freedom of Information Office, Region V, would be rescinded, and the Wisconsin Environmental Decade would receive access to a copy of the document entitled "Review of Potential Host Rocks for Radioactive Waste Disposal in Southern United States Southern Piedmont".

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of Aug. 22 through Aug. 28, 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
Scott Boulevard Chevron.	BEN-0453, 8/22/80	Ga.
Eagle Chevron	BEN-0053, 8/27/80	Mont.
Country Store East	BEE-1375, 8/28/80	Wash., D.C.
Country Store West	BEE-1376, 8/28/80	Wash., D.C.

Notices of Objection Received

[Week of Aug. 22 to Aug. 28, 1980]

Date	Name and location of applicant	Case No.
8/22/80	Sun Production Co., Washington, D.C.	DEE-2100
8/25/80	Flash Car Wash, Inc., North Las Vegas, Nev.	DEE-6034
8/25/80	PMM Corp., Scarsdale, N.Y	BEE-0217
8/26/80	AIRCO, Inc., Spokane, Wash	BEE-0744
8/27/80	Crites Oil Co., Dallas, Tex	BEE-0324
8/27/80	Leihser Oil Co., White Plains, N.Y.	BEE-0742
8/28/80	Buckeye Petrofuels Co., Washington, D.C.	DEE-8015

[FR Doc. 80-30285 Filed 9-30-80; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council; Coordinating Subcommittee of the Committee on Refinery Flexibility; Notice of Meeting

Notice is hereby given that the Coordinating Subcommittee of the National Petroleum Council's (NPC) Committee on Refinery Flexibility will meet on Wednesday, October 15, 1980, in Suite 601 of the National Petroleum Council Headquarters, 1625 K Street, N.W., Washington, D.C., beginning at 9:00 a.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee. The tentative agenda of the meeting is as follows:

1. Review and discuss the progress of the Oil Supply, Demand and Logistics Task Group.

2. Review and discuss the progress of the Refinery Capability Task Group.

3. Review and discuss the overall report on Refinery Flexibility.

4. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

All meetings are open to the public. The Chairmen of the Subcommittee are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements at the meeting should inform Joan Walsh Cassedy, National Petroleum Council, (202) 393-6100, prior to the meeting, and provision will be made for their appearance on the agenda. Minutes of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B180, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 21, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary for Resource Development and Operations.

[FR Doc. 80-30514 Filed 9-30-80; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided that a meeting of the Industry Supply Advisory Group (ISAG) of the Industry Advisory Board to the International Energy Agency (IEA) will be held during the period October 1 through December 5, 1980, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 9:00 a.m. on October 1. The purpose of this meeting is the conduct of the Third IEA Allocation Systems Test.

The agenda for the meeting is the conduct of the Third IEA Allocation Systems Test.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

As permitted by 10 CFR section 209.32 less than 7 days notice is being given because U.S. Governmental approval for U.S. company provision of confidential or proprietary information or data in

connection with the test has just this day been issued.

Issued in Washington, D.C., September 26, 1980.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 80-30528 Filed 9-29-80; 11:03 am]

BILLING CODE 6450-01-M

Southwestern Power Administration

Proposed System Transmission Rates; Opportunity for Public Review and Comment

AGENCY: Southwestern Power Administration (Southwestern), Department of Energy.

ACTION: Notice of proposed system transmission rates and opportunity for public review and comment.

SUMMARY: The Administrator, Southwestern, has made a transmission rate study which shows the need for a minor adjustment to the rates for transmission and/or displacement of non-federal power and energy over the system of Southwestern in order to accurately reflect the cost of providing that service. He also has developed a proposed system transmission rate schedule, supported by the rate study, reflecting the proposed rates and conditions of service. An opportunity is presented for customers and other interested persons to receive copies of the study and to submit written comments. Following review of the written comments and other information received, the Administrator will develop rates which the Assistant Secretary for Resource Applications will confirm, approve and place in effect on an interim basis. The rate schedule will then be submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

DATES: Written comments on the proposed rate schedule are due on or before October 31, 1980.

ADDRESSES: Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101. Five copies should also be submitted to the Assistant Secretary for Resource Applications, U.S. Department of Energy, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Drawer 1619, Tulsa, Oklahoma 74101, (918) 581-7529.

John J. DiNucci, Office of Power Marketing Coordination, Resource Applications, Department of Energy, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-8380.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy was created by an Act of the U.S. Congress, Department of Energy Organization Act, Public Law 95-91, dated August 4, 1977, and Southwestern's power marketing activities were transferred from the Department of the Interior to the Department of Energy, effective October 1, 1977.

Southwestern markets power from 21 multiple-purpose reservoir projects with power facilities constructed and operated by the U.S. Corps of Engineers. By 1982, two additional projects presently under construction will be completed, bringing the total to 23 projects with 2.1 million kilowatts of power for which Southwestern will have marketing responsibility. These projects are located in the States of Arkansas, Missouri, Oklahoma, and Texas. Southwestern's marketing area includes these states plus Kansas and Louisiana.

Southwestern operates and maintains a 1697-mile federally-financed transmission system which includes 32 substations and switching stations. Capacity is sometimes available in the transmission system in excess of that required to market power and energy pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 890). To optimize usage of the transmission system, prevent potential duplication of facilities, and to meet the regional need for transmission and/or displacement of non-federal power and energy, Southwestern makes its surplus transmission system capacity available by rate schedules to its wholesale power customers and to other electric utilities whose transmission facilities interconnect with those of Southwestern. The rate levels currently in effect were established in 1973 and have been extended twice at the same levels. The Administrator, Southwestern, has prepared a transmission rate study to review the rate levels necessary to recover a proportionate share of the cost of the transmission system, which study concludes that a minor rate adjustment is necessary. A minor rate adjustment is one which represents less than a 1 percent change in the annual revenues of the power system. The Administrator has determined that public information and comment forums are not necessary for adequate public participation due to the minor nature of the rate adjustment which represent less than an .08% increase in the revenues from Southwestern's Integrated System.

Copies of the Proposed Rate Schedule and the Rate Study are available by writing to the Administrator, Southwestern Power Administration, P.O. Box 1619, Tulsa, Oklahoma 74101. The Proposed Rate Schedule provides the following charges:

1. Transmission and/or displacement of non-federal power and associated energy to point or points of delivery from the System of Southwestern at 138 kv or 161 kv, $0.25/kw/mo.
2. Transmission and/or displacement of non-federal power and associated energy to point or points of delivery from the System of Southwestern at 69 kv, $0.40/kw/mo.
3. Transmission and/or displacement of non-federal power and associated energy to point or points of delivery from the System of Southwestern at voltages of less than 69 kv, $0.55/kw/mo.
4. Transmission and/or displacement of non-federal energy not associated with non-federal power to point or points of delivery from the System of Southwestern, $0.0008/kwh.

Written comments on the Proposed Rate Schedule are due on or before October 31, 1980. Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101. Five copies should also be submitted to the Assistant Secretary for Resource Applications, U.S. Department of Energy, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Following review of the written comments and other information received, the Administrator will develop rates which the Assistant Secretary for Resource Application will confirm, approve and place in effect on an interim basis. The Rate Schedule will then be submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Issued in Tulsa, Oklahoma, September 23, 1980.

James B. Hammett,

Administrator.

[FR Doc. 80-30512 Filed 9-30-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1620-2]

Central Illinois Light Co.; Final Determination on Prevention of Significant Deterioration of Air Quality

In the matter of the applicability of Title I, Part C of the Clean Air Act (the

Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Central Illinois Light Company (CILCO), Duck Creek Generating Station, Fulton County, Illinois.

On August 7, 1978, CILCO submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct two coal-fired boilers. The application was submitted pursuant to the regulations for PSD.

On May 22, 1980, CILCO was notified that its application was complete and preliminary approval was granted.

On May 30, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to CILCO. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by CILCO, the Company was notified on August 15, 1980 that U.S. EPA had determined that the proposed new construction in Fulton County, Illinois would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act. This approval to construct does not relieve CILCO of the responsibility to comply with the control stragegy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State, and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Kathy Kline, Acting Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2090.

John McGuire,

Regional Administrator, Region V.

September 16, 1980.

[Approval to Construct EPA-5-A-80-21]

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.*, (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Central Illinois Light Company (CILOC) proposed to expand their existing Duck Creek Generating Station. Currently, only Unit 1 exists at the site and is a coal-fired boiler with a net generating capacity of 378 megawatt (MW). CILCO is proposing to co-locate Duck Creek Unit 2 and Unit 3. Each unit will be a coal-fired boiler with a net generating capacity of 400 MW. Units 2 and 3 are designed as an intermediate load range, that is to say each unit is designed to operate at full load during the day and reduce to approximately 25 percent load during periods of low demand, nights, and weekends. The Units will be operated 24 hours per day, 7 days per week, 48 weeks per year, which will allow 4 weeks per year of scheduled outage for maintenance.

2. The Duck Creek Generating Station is located south of Canton, Illinois in a rural area of Fulton County approximately 27 miles southwest of Peoria, Illinois. Fulton County is a Class II area as determined pursuant to the Act and has been designated an attainment area for all criteria pollutants pursuant to Section 107 of the Act.

3. The boilers are to be Riley Stoker Turbo furnaces which will burn high sulfur pulverized coal. Each boiler will burn approximately 197 tons per hour of washed Illinois coal. The coal will have an average ash content of 8–10 percent and an average sulfur content of 3–4 percent.

4. CILCO submitted an application on August 7, 1978, deficiency notices were issued on October 11, 1978, February 14, 1979, June 12, 1979, December 14, 1979, and March 18, 1980. Responses to the deficiency notices were received on December 22, 1978, April 10, 1979, July 2, 1979, July 23, 1979, December 4, 1979, December 26, 1979, Febuary 11, 1980, and April 3, 1980. On May 22, 1980, the application was determined to be complete and preliminary approval was granted.

5. On May 30, 1980, notice was published in the *Peoria Journal Star* and the *Canton Daily Ledger*. The notice sought written comments from the public on the CILCO application and U.S. EPA's preliminary approval of the proposed construction. There were no public comments and no requests for a public hearing.

6. The boilers at the Duck Creek Generating Station are subject to the requirements of 40 CFR Part 60, Subpart Da, Standards of Performance for Electric Utility Steam Generating Units (44 FR 33580, June 11, 1979).

7. After review and analysis of the material submitted by CILCO, U.S. EPA has determined that emissions from the proposed Duck Creek Units 2 and 3 will not cause or significantly contribute to violations of the sulfur dioxide (SO_2), total suspended particulate (TSP), nitrogen oxides (NO_x), carbon monoxide (CO) and ozone (O_3) National Ambient Air Quality Standards (NAAQS) within the vicinity of the Duck Creek Station or nearby nonattainment areas for these pollutants. Furthermore SO_2 and TSP emissions at Units 2 and 3 will not cause exceedances of the appropriate Class II PSD increments within the Duck Creek Station's area of significant impact. Emissions from these units will be reduced by the application of best available control technology (BACT).

Conditions for Approval

8. The electrostatic precipitator shall maintain a minimum of 99% removal efficiency.

9. Particulate emissions from the boiler exhaust gases shall not exceed 0.03 pounds of particulate per million BTU aof heat input based upon U.S. EPA Method 5 stack testing procedure.

10. The boiler exhaust gases shall not exhibit an opacity greater than 20% (6 minute average) except for one 6 minute period per hour of not more than 27%.

11. Nitrogen oxide emissions from the boiler exhaust gases shall not exceed 0.6 pounds of nitrogen oxides per million BTU of heat input.

12. Sulfur dioxide emissions from the boiler exhaust gases shall not exceed 0.78 pounds of sulfur dioxide per million BTU of heat input.

13. The sulfur dioxide scrubber shall maintain a minimu of 90% removal efficiency.

14. Continuous emission monitoring systems shall be installed, calibrated, maintained, and operated for the following:

(a) opacity
(b) sulfur dioxide
(c) nitrogen oxides
(d) oxygen or carbon dioxide

The monitoring data and heat input data shall be submitted quarterly to the Regional Administrator or his delegated agent. These values shall be reported as specified in 40 CFR 60.

15. CILCO shall submit to the U.S. EPA, a minimum 90 days prior to start-up of each unit, a copy of detailed operation, maintenance, and staff training procedures for the air pollution control equipment and the air pollution control monitors to ensure that compliance with the above emission limitations is maintained on a continuing basis.

16. No air pollution control equipment design parameters, boiler operating parameters, physical and dynamic stack parameters, or building parameters may be changed without prior written authorization of the U.S. EPA.

17. The final flue gas desulfurization scrubber design must be submitted to the U.S. EPA for evaluation and approval before commencement of construction of the scrubber.

18. Construction is to commence on Unit #3 no later than 18 months after April 1, 1987.

19. The emission limitations for Unit #3 shall be reevaluated and are subject to change if a revised New Source Performance Standard for electric utility steam generating units is proposed prior to commencement of construction of Unit #3.

Conditions 8 through 13 represent the application of BACT as required by Section 165 of the Act. Conditions 14 through 19 are necessary to ensure that on a continual basis, emissions from the Duck Creek Station do not violate Class II increments for SO_2, TSP, and the emission standards established in conditions 9 through 12.

20. CILCO must construct and operate the two coal-fired boilers (Units 2 and 3) in accordance with the descriptions presented in their final application for approval to construct. Any change in the design or operation might alter U.S. EPA's conclusions and therefore, any change must receive the prior written authorization of U.S. EPA.

Approval

21. Approval to construct the two coal-fired boilers (Units 2 and 3) is hereby granted to CILCO subject to the conditions expressed herein and consistent with the materials and data included in the application filed by the company. Any departure from the conditions of this approval or the terms expressed in the application must receive the prior written authorization of the U.S. EPA.

22. On December 14, 1979, the United States Court of Appeals for the D.C. Circuit handed down its final opinion in the case of *Alabama Power Co.* vs. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 FR 52735, may affect future actions under PSD with respect to the Duck Creek Station.

23. This approval to construct does not relieve CILCO of the responsibility to comply with the control strategy and all local, State and Federal regulations with are part of the applicable Federal, State and local requirements.

24. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion of Unit #2 is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA five days after construction is commended.

25. A copy of this approval has been forwarded to the Parlin Ingersoll Library, 205 W. Chestnut Street, Canton, Illinois for public inspection.

Dated: August 15, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80–30376 Filed 9–30–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1620–7; OPTS–51146]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Secion 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each..

DATE: Written comments by November 7, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: George Bagley, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202–426–3936).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50444—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish and amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to

confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before November 7, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51146]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 23, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-244.

Close of Review Period. December 7, 1980.

Manufacturer's Identify. Toms River Chemical Corp. P.O. Box 71, Toms River, NJ 08753 (Parent Co.: Ciba-Geigy Corp.)

Specific Chemical Identify. 1-Nitronaphthalene-6-sulfonic acid, potassium salt.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. The submitter states that the new substance will be used exclusively as a site-limited intermediate for the manufacture of another site-limited intermediate.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1981	20,000	25,000
1982	20,000	25,000
1983	20,000	25,000

Physical/Chemical Properties

Appearance—Light tan aqueous cake.
pH—Approximately 1.0-1.5.

Toxicity Data

Acute oral toxicity, LD_{50} (rat)—7.12 g/kg.
Acute dermal toxicity, LD_{50} (rabbit)—2.0 g/kg.
Primary dermal irritation (rabbit)—Slightly irritating.
Eye irritation (rabbit)—Severely irritating.

Exposure. Toms River Corp. states that seven employees may be exposed during the production of the new substance, approximately 170 man-hours each hours each worker per year.

Environmental Release/Disposal. The submitter claims that the amount of the new substance released into the environment will be negligible; that wash water will be drained to the plant's sewer, then to a biological waste water treatment plant.

PMN 80-245.

Close of Review Period. December 7, 1980.

Manufacturer's Identity. Toms River Chemical Corp. P.O. Box 71, Toms River, NJ 08753 (Parent Co.: Ciba-Geigy Corp.)

Specific Chemical Identity. 1-Nitronaphthalene-7-sulfonic acid, potassium salt.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. The manufacturer states that the new substance will be used exclusively as a site-limited intermediate for the manufacture of another site-limited intermediate.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1981	20,000	25,000
1982	20,000	25,000
1983	20,000	25,000

Physical/Chemical Properties

Appearance—Light tan aqueous cake.
pH—Approximately 1.0-1.5.

Toxicity Data

Acute oral toxicity, LD_{50} (rat)—7.12 g/kg.
Acute dermal toxicity, LD_{50} (rabbit)—>2.0 g/kg.
Primary dermal irritation (rabbit)—Slightly irritating.
Eye irritation (rabbit)—Severely irritating.

Exposure. Toms River Corp. states that seven employees may be exposed during the production of the new substance, approximately 170 man-hours each worker per year.

Environmental Release-Disposal. The submitter claims that the amount of the new substance released into the environment will be negligible; that wash water will be drained to the plant's sewer then to a biological waste water treatment plant.

[FR Doc. 80-30370 Filed 9-30-80; 8:45 am]

BILLING CODE 6560-01-M

[FNL 1620-8; OPTS-51144]

Ethene-Alkene-Vinyl Carbonyl Amine Polymer; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by November 1, 1980.

ADDRESS: Written comments to: document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Mary Cushmac, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under

section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** or May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to and additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before November 1, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "(OPTS-51144)" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 23, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-240.

Close of Review Period. December 1, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Manufacturing site—West-south central U.S.

Standard Industrial Classification Code—281 "Industrial Inorganic Chemicals".

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ethene-alkene-vinyl carbonylamine polymer.

The following summary is taken from data submitted by the manufacture in the PMN.

Use. Lubricant additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Water solubility—<0.01%.

Vapor pressure—<2 mm at 300° C.

Density—0.86 g/cm^3.

Flash point—>370° F.

Toxicity Data. The following data on a similar product were submitted by the manufacturer:

Acute oral LD_{50} (rat)—>10 g/kg.

Acute dermal, LD_{50} (rabbit)—>8 g/kg.

Primary skin irritation (rabbit)—Draize score of 2.44 of maximum of 8.0.

Primary eye irritation (rabbit)—Draize score of 9 of maximum of 110.

Skin sensitization (guinea pig)—Non-sensitizer.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture	Dermal	12	1	104		>100

The manufacturer states that a potential for accidental exposure exists from leakage during sampling and loading operations where protective gloves and other protective equipment will be worn.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Processing (7 sites)	Dermal	8	24	52	0-1	0-1

As stated by the manufacturer exposure will be by accidental skin contact during sampling, connecting and disconnecting transfer lines, and possible system leaks. Exposure of the polymer in motor oil will be by accidental skin contact during blending, filtering, sampling, canning or drum fillings system leaks, and during system cleaning.

Environmental Release/Disposal. The manufacturer claims that less than 10 kilograms/year of the new substance will be released into the enviornment, and that it poses little or no risk to the environment.

[FR Doc. 80-3037 Filed 9-30-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1621-1; OPTS-51145]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by November 7, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Carolyn Brown, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-426-3980).

SUPPLEMENTAL INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50444—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning permanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of athe substance, as well as a description of any test date submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the date taken from the PMN's are published herein.

Interested persons may, on or before November 7, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51145]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 23, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-246.

Close of Review Period. December 7, 1980.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstituted heptadecane.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential business information. Generic use provided: Captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properities

Specific gravity, 30/30°C—.8905.
Viscosity, 25°C—.103 Pa.S (1.03 poise).
Boiling point—140°C at 0.1 mm Hg; 197°C at 0.9 mm Hg.
Refractive index, n_D^{28}—1.4601.

Toxicity Data

Acute oral LD_{50}(rats)—>15.0 mls/kg.
Primary skin irritation (rabbits)—Primary irritation index—1.53. Not an irritant.
Eye irritation (rabbits)—Not an eye irritant.

Exposure. The manufacturer states that one employee per shift may be exposed to the new substance dermally during sampling and clean-up operations and anticipates total exposure per year to be 1,000-2,000 man-hours in the third year of operation.

Environmental Release/Disposal. The manufacturer states that there will be no environmental release of the PMN substance.

PMN 80-247.

Close of Review Period. December 7, 1980.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic diol.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential business information. Generic use provided: Coatings, elastomers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Viscosity, 25°C—0.66 Pa.S (6.6 poise).
Refractive index, n_D^{28}—1.4657.
Specific gravity, 30/30°C—0.8902.
Flash point (Pensky Martens closed cup)—>110.
Flash point (Cleveland open cup)—241°C.
Fire point (Cleveland open cup)—249°C.
Dielectric constant, 23°C—7.80.
Power factor, 23°C—0.0714.
Surface tension, dyness/cm, 25°C—36.0.

Toxicity Data

Oral LD_{50} (rats)—>15.0 mls/kg.
Primary skin irritation (rabbits)—Non-irritant. Primary irritation index is 1.29.
Eye irritation (rabbits)—Non-irritant.

Exposure. The manufacturer states that one employee per shift may be exposed to the substance dermally during sampling and clean-up operations and anticipates total exposure per year to be 1,000–2,000 man-hours in the third year of production.

Environmental Release/Disposal. The manufacturer states that there will be no environmental release of the PMN substance.

[FR Doc. 80-30372 Filed 9-30-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1621-2; OPTS-51147]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by:
PMN 80-243—November 4, 1980.
PMN 80-248—November 8, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Carolyn Brown, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-425-3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial), and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "(OPTS-51147)" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00

p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 23, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-243.

Close of Review Period. December 7, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between $10 million and $99,999,999.
Manufacturing site—West-north central U.S.
Standard Industrial Classification Code—285.

Specific Chemical Identity. 2,2,4-Trimethyl-1, 3-pentanediol, trimethylolpropane, succinic anhydride, trimellitic anhydride, adipic acid, and isophthalic acid.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Baking enamels

Production Estimates.

	Pounds per year	
	Minimum	Maximum
1st yr	100,000	200,000
2d yr	200,000	400,000
3d yr	300,000	400,000

Physical Chemical Properties.
Non-volatile—80± [1]
Viscosity—Y.
Acid number—60-65.
Color—3-4.
Weight/gallon—8.57 lb.

Toxicity Data. No data were submitted.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture	Inhalation	2	1	251		1-10
Processing	Inhalation	3	4	251		1-10
Use	Inhalation		8	251		1-10
Disposal	Inhalation	3	8	251		1-10

Environmental Release/Disposal.

Media—Amount/Duration of Chemical Release (lb/yr).
Air—Less than 10. 1-8 hr/da; 251 da/yr.
Water—10-100. 8 hr/da; 251 da/yr.
Land—None.

The manufacture states that: Closed equipment is used in the manufacture of the resin; esterification water is disposed through a sanitary sewer from a settling tank; and neither the polyester resin nor its component will be released with the water.

PMN 80-248.

Close of Review Period. December 8, 1980.

Manufacturer's Identity. Inmont Corp., 5935 Milford Ave., Detroit, MI 48210.

Specific Chemical Identity. Azelaic acid, 1.4-cyclohexanedimethanol, dimer acid, dimethylol propionic acid, methylene-bis (4-cyclohexyl isocyanate), neopentyl glycol, trimethylol propane polymer.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Automotive enamel.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	2,000	3,000
2nd year	8,000	12,000
3d year	20,000	25,000

Physical Chemical Properties

Molecular weight—21,000-24,000.
Acid number—23-27.
Hydroxyl number—42-48.
Weight/gal—9.2 lb.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that there will be no exposure involved in the manufacture of the new substance.

Environmental Release/Disposal. Inmont Corp. states that the manufacture of the PMN substance will be in a closed system and nothing is released to the environment. Disposal of the water from the condenser will be by incineration.

[FR Doc. 80-30373 Filed 9-30-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1621-3; OPTS-51143]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by:
PMN 80-235—October 28, 1980.
PMN 80-249—November 9, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: George Bagley, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-426-3936).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical sustance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the initial inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial), and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commerical purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issue of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture

notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(d), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substances to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51143]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

[Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)].

Dated: September 23, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-235.

Close of Review Period. November 27, 1980.

Manufacturer's Identity. Reilly Tar & Chemical Corp., 1500 South Tibbs Ave., Indianapolis, IN 46241.

Specific Chemical Identity. 2-Pyridinamine, *N,N*-dimethyl.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Component of catalyst systems, herbicidal intermediate, and dyestuff intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—197.5°C at 760 mm.; 196.6°C at 744 mm.; 124.0°C at 71 mm.; 80-82°C at 15 mm.

Freezing point— −46°C.

Flash point—190°F (Cleveland Tag Open Cup).

Solubility in Water—1.8 g dissolves in 100 g water at 25°C.

Picrate melting points—185.5-185.9°C; 181.5-182°C; 177-179°C; 181-182°C; 182°C.

Density—1.005 g/ml at 25°C.

Toxicity Data.

Acute oral toxicity, LD_{50} (male rats)—615 mg/kg.

Acute oral toxicity, LD_{50} (female rats)—536 mg/kg.

Acute dermal toxicity, LD_{50} (rabbits)—>500 mg/kg but <1,000 mg/kg.

Acute inhalation toxicity, LD_{50} (rats)—>20.5 mg/l.

Primary eye irritation (rabbits)—An irritant.

Acute intravenous LD_{50} (mouse)—182 mg/kg.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 80-249.

Close of Review Period. December 9, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—In excess of $500 million.

Manufacturing site—Northeast U.S.

Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic polyurethane water-borne dispersion.

The following summary is taken from data submitted by a the manufacturer in the PMN.

Use. Air dry coating.

Production Estimates.

	Pounds per Year	
	Minimum	Maximum
1st year	2,500	20,000
2d year	10,000	50,000
3d year	15,000	150,000

Physical/Chemical Properties

Solids—31%.

Viscosity—300 cps.

Vehicle—Water, *N*-methylpyrrolidene.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that all reactive monomers and solvents are mechanically transferred from storage tanks and drums into the process facilities which minimize employee exposure to the raw materials and that potential skin contact by dispersion to workers exists if gloves are not worn as required.

Environmental Release/Disposal. The manufacturer states that discharge of the finished product to land or water would only be as a result of an accidental spill; that disposal of residual monomers and solvent vapors in the reactor will be by inceneration.

[FR Doc. 80-30374 Filed 9-30-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-5]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: September 26, 1980.

Cut-Off Date: November 3, 1980.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously

accepted for filing and listed as subject to cut-off dates for conflicting applications, no application which would be in conflict with these applications will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on November 3, 1980.

Minor amendments to these applications, and to the applications previously accepted for filing and in conflict with these applications, may be filed as a matter of right not later than the close of business on November 3, 1980. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3525(b) of the Commission's Rules.

BP-790725AD (NEW), Derry, New Hampshire, Spacetown Communications Corporation, Req: 1320 kHz, 5 kW, DA, Day.

BP-790817AE (NEW), Central Point, Oregon, Sally W. Meller, Req: 610 kHz, 5 kW, DA-2, U.

BP-800214AE (NEW), Albertville, Alabama, Bobby W. King, Req: 1090 kHz, 1 kW, DA, Day.

BP-800314AC (NEW), Cazenovia, New York, AGK Communications, Inc., Req: 850 kHz, 500 W, 2.5 kW-LS, DA-2, U.

BP-800801AC (NEW), Guanica, Puerto Rico, Family Radio Broadcasting, Inc., Req: 1510 kHz, 500 W, DA-1, U.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-30307 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 76.—"Maritime Advisory Committee In Preparation for the 1982 Mobile Services World Administrative Radio Conference (1982 Mobil Services WARC)." Notice of 4th Meeting: Wednesday, October 15, 1980, 9:30 a.m., 1st Floor Auditorium, Comsat Building, 950 L'Enfant Plaza, S.W., Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative matters.
3. Discussion of Proposals and Review of work Program.
4. Establishment of future meeting schedule.

Charles Dorian, Chairman, SC-76, Comsat Corporation, Washington, D.C., Phone: (202) 554-6756.

Executive Committee Meeting.—Notice of September Meeting, Thursday, October 16, 1980, 9:30 a.m., Conference Rooms 9230/9232, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, D.C.

Agenda

1. Administrative matters and committee reports.
2. Discussion concerning possible need for RTCM to study:
   A. Federal Radionavigation Plan.
   B. RTCM Executive Committee Representation.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-30306 Filed 9-30-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. T-21-7]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commisison'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 433(2)(c) of NEPA.

Agreement No. T-21-7 between the Sacramento-Yolo Port District (Port) and Cargill, Inc. (Cargill) modifies the basic agreement which provides for the lease to Cargill of grain terminal facility at Sacramento, California. The purpose of this modification is to increase the monthly rental to $8,000 and to increase the mimimum tonnage of the commodities to be transported from the grain elevator by deep sea vessel to 1,250,000 tons for the five-year period through June 30, 1985.

The Commission's final resolution of Agreement No. T-21-7 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 21, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, NW, 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. 80-30323 Filed 9-30-80; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 21, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A Copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-639-4.

Filing Party: Leslie E. Still, Jr., Senior Deputy City Attorney, Harbor Branch Office, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-639-4, between the City of Long Beach and Atlantic Richfield Company, modifies the parties' basic agreement which provides for the lease of certain lands located on Pier E in the Harbor District of the City of Long Beach for the purpose of constructing and operating a marine terminal. The purpose of the modification is to set forth the terms of the third 10-year renewal period and to increase the annual rental to $314,830.

Agreement No.: T-3925.

Filing Party: Amy Loeserman Klein, Esquire, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street, N.W., Washington, D.C. 20007.

Summary: Agreement No. T-3925, between Crescent Wharf and Warehouse Company and Toko Kaiun Kaisha, Ltd. is a 10-year agreement providing for the parties' entering into a joint venture to operate a terminal facility at the Port of Long Beach. The parties will operate the facility pursuant to the terms and conditions of a terminal lease agreement between Crescent's wholly-owned subsidiary, Crescent Terminals, Inc. and the City of Long Beach (FMC Agreement No. T-3877, approved January 29, 1980). The parties will be compensated through a division of revenue formula as mutually agreed to and as set forth in the agreement.

Agreement No.: 10117-5.

Filing Party: Leo S. Fisher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 10117-5 amends the basic Agreement of the Spanish Eastbound Freight Agreement to provide that the Parties may agree upon and publish uniform credit rules, including rules pertaining to bonding and security requirements, and provisions for denying credit. The agreement further provides that the independent action provisions of the basic agreement will not be applicable to such credit rules.

Agreement No.: 10332-2.

Filing Party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Basic Agreement No. 10332 is a space charter arrangement in the U.S. Pacific/Korean trade between Korea Marine Transport Company, Ltd. and Nippon Yusen Kaisha (NYK). Agreement No. 10332-2 is a proposal by these parties to modify Article 1(a) of Agreement No. 10332-1, which is currently a subject of consideration in Commission Docket No. 80-52, *Agreements Nos. 10186, As Amended, 10332, As Amended, and 10371, As Amended.* Agreement No. 10332-2 proposes to permit NYK to transship cargo under the basic agreement to or from Hong Kong and Taiwan only, at a limit of 80 TEU's per month. Article 1(a) as set forth in Agreement No. 10332-1, merely prohibits NYK from transporting cargo under the basic agreement that is booked, forwarded, transshipped, or feeder-fed to or from Japan only.

It should be noted that although Agreement No. 10332-1 is under investigation in Docket No. 80-52, the authority of the basic agreement has been continued in effect during the pendency of this proceeding via Commission approval of a restatement of the basic agreement, which has been designated as "Agreement No. 10332-1 *(Pendente Lite)*." Agreement No. 10332-1 *(Pendente Lite)* specifically prohibits NYK from transporting cargo booked, forwarded, transshipped, or feeder-fed to or from *any* Far Eastern nation.

By Order of the Federal Maritime Commission.

Dated: September 25, 1980.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80-30324 Filed 9-30-80; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 9383, et al.]

Lykes Bros. Steamship Co., Inc.,/ Nouvelle Compagnie Havraise Peninsulaire De Navigation; et al., Connecting Carrier Agreement; Cancellation

Filing Party: R. J. Finnan, Chief Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9383.

Summary: On August 26, 1980, the Commission received notice of the termination of participation of Lykes Bros. Steamship Co., Inc., in Agreement No. 9383. The agreement will be cancelled on August 26, 1980, the date the agreement ceased to be a bilateral arrangement.

Delta Steamship Lines, Inc./Royal Netherlands Steamship Co., Connecting Carrier Agreement; Cancellation

Filing Party: William G. Watson, General Manager, Delta Steamship Lines, Inc., One Market Plaza, Steuart St. Tower, Suite 2700, San Francisco, California 94106.

Agreement No. 9580.

Summary: On September 2, 1980, the Commission received notice of the termination of participation of Delta Steamship Lines, Inc., in Agreement No. 9580. The agreement will be cancelled on September 2, 1980, the date the agreement ceased to be a bilateral arrangement.

Lykes Bros. Steamship Co., Inc.,/Farrell Lines Inc., Connecting Carrier Agreement; Cancellation

Filing Party: R. J. Finnan, Chief Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9659.

Summary: On August 26, 1980, the Commission received notice of the termination of participation of Lykes Bros. Steamship Co., Inc., in Agreement No. 9659. The agreement will be cancelled on August 26, 1980, the date the agreement ceased to be a bilateral arrangement.

Lykes Bros. Steamship Co., Inc.,/ Southern Lines, Ltd., Connecting Carrier Agreement; Cancellation

Filing Party: R. J. Finnan, Chief Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9830.

Summary: On August 26, 1980, the Commission received notice of the termination of participation of Lykes Bros. Steamship Co., Inc., in Agreement No. 9830. The agreement will be cancelled on August 26, 1980, the date the agreement ceases to be a bilateral arrangement.

Lykes Bros. Steamship Co., Inc.,/Societe Comorienne De Navigation, Connecting Carrier Agreement; Cancellation

Filing Party: R. J. Finnan, Chief Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10221.

Summary: On August 26, 1980, the Commission received notice of the termination of participation of Lykes Bros. Steamship Co., Inc., in Agreement No. 10221. The agreement will be cancelled on August 26, 1980, the date the agreement ceases to be a bilateral arrangement.

Lykes Bros. Steamship Co., Inc.,/Green R Line (PTY) Ltd., Connecting Carrier Agreement; Cancellation

Filing Party: R. J. Finnan, Chief Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10222.

Summary: On August 26, 1980, the Commission received notice of the termination of participation of Lykes Bros. Steamship Co., Inc., in Agreement No. 10222. The agreement will be cancelled on August 26, 1980, the date the agreement ceases to be a bilateral arrangement.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Assistant Secretary.

Dated: September 25, 1980.

[FR Doc. 80-30325 Filed 9-30-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of August 12, 1980

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's

Domestic Policy Directive issued at its meeting held on August 12, 1980.[1]

The information reviewed at this meeting suggests that the decline in economic activity, which was marked in the second quarter as a whole, has been moderating. While industrial production and nonfarm payroll employment continued to decline sharply in June, total retail sales advanced after four months of substantial decreases, and housing starts rose from a depressed level. In July retail sales advanced further; nonfarm payroll employment declined, but not so sharply as during the second quarter, and the unemployment rate edged up from 7.7 to 7.8 percent. The overall rise in prices of goods and services moderated in the second quarter, in large part owing to a lessening of the rapid rise in energy items. Over the first seven months of the year, the rise in the index of average hourly earnings was somewhat faster than the pace recorded in 1979.

The weighted average value of the dollar in exchange markets has risen somewhat since late July, after having fluctuated in a narrow range earlier in the month. A reduced U.S. foreign trade deficit in June brought the average for the second quarter well below the average for the first quarter.

Monetary expansion remained rapid in July, although not so rapid as in June. The recent resurgence brought growth of M-1A closer to and that of M-1B about to the lower bounds of the Committee's ranges for the year from the fourth quarter of 1979 to the fourth quarter of 1980. However, the rate of growth for M-2 was near the upper bound of its range. Market interest rates have risen considerably further in recent weeks.

Taking account of past and prospective economic developments, the Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, encourage economic recovery, and contribute to a sustainable pattern of international transactions. At its meeting in July, the Committee agreed that these objectives would be furthered by growth of M-1A, M-1B, M-2, and M-3 from the fourth quarter of 1979 to the fourth quarter of 1980 within ranges of 3½ to 6 percent, 4 to 6½ percent, 6 to 9 percent, and 6½ to 9½ percent respectively. The associated range for bank credit was 6 to 9 percent. For the period from the fourth quarter of 1980 to the fourth quarter of 1981, the Committee looked toward a reduction in the ranges for growth of M-1A, M-1B, and M-2 on the order of ½ percentage point from the ranges adopted for 1980, abstracting from institutional influences affecting the behavior of the aggregates. These ranges will be reconsidered as conditions warrant.

In the short run, the Committee seeks expansion of reserve aggregates consistent with growth of M-1A, M-1B, and M-2 over the third quarter of 1980 at annual rates of about 6½ percent, 9 percent, and 12 percent respectively, provided that in the period before the next regular meeting the weekly average federal funds rate remains within a range of 8 to 14 percent.

If it appears during the period before the next meeting that the constraint on the federal funds rate is inconsistent with the objective for the expansion of reserves, the Manager for Domestic Operations is promptly to notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, September 19, 1980.

Normand R. V. Bernard,

Assistant Secretary.

[FR Doc. 80-30461 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of August 12, 1980, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an actitity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, 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 interest, or unsound banking practices." Any comment on an application that requests a hearing must include 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 that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than October 24, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (consumer and commercial lending, industrial loan company activities; Utah): to relocate offices of its indirect subsidiaries, Citicorp Person-to-Person Financial Center (Utah) and Citicorp Person-to-Person Financial Center of Utah, each being currently located at 4835 South Highland Drive, Salt Lake City, Utah and 2186 Highland Drive, Salt Lake City, Utah, to a new location at 1178 Brickyard Road, Salt Lake City, Utah, and to expand the service area of the new location to include the counties of Davis, Salt Lake, Tooele, and Weber. The following previously-approved activities will be conducted from the new location: The making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the purchasing for its own account and servicing sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the making of loans to individuals and businesses secured by real and personal property, the proceeds of which may be for purposes other than personal, family or household usage, including but not limited to the extension of loans to dealers for the financing of inventory (floor planning) and working capital purpose; the operating as an industrial loan company; and the issuing of thrift certificates and thrift passbook certificates.

B. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

First Union Bancorporation, St. Louis, Missouri (insurance activities; Missouri): to engage, through its subsidiary, Redbud Insurance Agency, Inc., in the sale of physical damage, fire, and comprehensive insurance coverage on property used as collateral for an extension of credit by applicant's subsidiary banks. These activities would be conducted at the banking offices of applicant's subsidiary banks located in Branson, Cape Girardeau, Chesterfield, Columbia, Crane, Crystal City, Florissant, Galena, Gray Summit, Hollister, Independence, Kennett, Liberty, Nesho, North Kansas City, Pacific, Rolla, St. Louis, St. Peters, Sedalia, Springfield, Vandalia, and West Plains, Missouri, serving the respective banking markets of the subsidiary banks.

C. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Mercantile Texas Corporation, Dallas, Texas (investment advisor activities;

Texas): to engage through its subsidiary, Mercantile Securities Corporation, in the activity of acting as investment advisor to the extent of providing portfolio investment advice to individuals, pension and profit sharing plans, banks, and other persons (excluding investment companies as that term is defined in the Investment Company Act of 1940); and of furnishing general economic information and advice in a periodic newsletter. These activites will be conducted from an office in Dallas, Texas, serving the State of Texas. Comments on this application must be received by October 21, 1980.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 24, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30448 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

Commerce Southwest Inc., Acquisition of Bank

Commerce Southwest Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Commerce Parkway Bank, N.A., Addison, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30449 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

First Belleville Bancshares, Inc.; Formation of Bank Holding Company

First Belleville Bancshares, Inc., Belleville, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank in Belleville, Belleville, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 27, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 25, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30450 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

First Jenks Bancorporation, Inc.; Formation of Bank Holding Company

First Jenks Bancorporation, Incorporated, Jenks, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Jenks, Jenks, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30451 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

K.L. Klaumann Agency, Inc.; Proposed Retention of General Insurance Activities

K.L. Klaumann Agency, Inc., Haddam, Kansas, 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 the assets of its general insurance activities.

Applicant states that the proposed subsidiary would engage in the activities of providing general insurance in a community not exceeding 5,000 people. These activities would be performed from Applicant's office in Haddam, Kansas, and the geographic areas to be served are the west half of Washington County and the east half of Republic County. 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 24, 1980.

Board of Governors of the Federal Reserve System, September 24, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30452 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

Miami National Bank Shares, Inc.; Formation of Bank Holding Company

Miami National Bank Shares, Inc., Miami, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Miami National Bank, Miami, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 25, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 30453 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

Oketo Banc Shares, Inc.; Formation of Bank Holding Company

Oketo Banc Shares, Inc, Oketo Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Oketa State Bank, Oketa, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 23, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 25, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30454 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

Republican Valley Investment Co.; Proposed Retention of Republican Valley Insurance Agency

Republican Valley Investment Company, Orleans, Nebraska, 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 Republican Valley Insurance Company, Orleans, Nebraska.

Applicant states that the proposed subsidiary would engage in the activity of operating a general insurance agency in a community with a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Orleans, Nebraska, and the geographic area to be served is Harlan County, Nebraska and portions of adjacent counties. 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 24, 1980.

Board of Governors of the Federal Reserve System, September 24, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30455 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

Shelby County Bancshares, Inc.; Formation of Bank Holding Company

Shelby County Bancshares, Inc., Harlan, Iowa, 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 94.5 percent or more of the voting shares of The Shelby County State Bank, Harlan, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30456 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

Southwick Bancorp.; Formation of Bank Holding Company

Southwick Bancorp, Friend, Nebraska, 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 95.4 percent (less directors' qualifying shares) of the voting shares of The First National Bank of Friend, Friend, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on

the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30457 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

Waubun Bancshares, Inc.; Formation of Bank Holding Company

Waubun Bancshares, Inc., Waubun, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87 percent or more of the voting shares of Farmers State Bank of Waubun, Waubun, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 25, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30458 Filed 9-30-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Travel Expenses; Report on the Cost of Travel and the Operation of Privately Owned Vehicles

The Travel Expense Amendments Act of 1975 (Pub. L. 94-22) requires the periodic investigation of the cost to employees of travel and of operating privately owned automobiles, motorcycles, and airplanes while engaged on official business. Further, the Act requires that the results of these investigations be reported to Congress and published in the **Federal Register.**

Publication of the following report is in compliance with the requirements of the Act.

Dated: September 26, 1980.

R. G. Freeman III,

Administrator of General Services.

Report to Congress

On March 24, 1980, the General Services Administration (GSA) reported the results of its then most recent cost investigations which showed that the statutory maximum rates for per diem, actual subsistence expenses, and mileage were inadequate to cover costs being incurred by Federal employees traveling on official business. The results of these investigations were used to support the need for legislative action which was recently accomplished by enactment of H.R. 7072 as Pub. L. 96-346 (approved September 10, 1980).

In an effort to implement adequate rates for subsistence and mileage allowances within the new statutory maximums, GSA has conducted another cost investigation. We have identified the costs and consulted with representatives of employee organizations, the General Accounting Office, and the Departments of Defense and Transportation. General agreement was expressed with respect to the proposed levels of reimbursement.

Based on the results of the current investigations, I am reporting our determination that a per diem allowance of $52 would be necessary to adequately compensate Government travelers. This amount is higher than three other per diem cost figures GSA previously reported to the Congress during consideration of H.R. 6082 and H.R. 7072, bills proposing increases in the statutory maximum travel allowances. In December 1979 when our draft proposal to increase the statutory maximum allowances was originally forwarded to Congress, a $47 per diem cost was identified. GSA's March 1980 travel cost investigation concluded that the per diem cost had increased to $48. By May 1980 when I responded to specific questions of Honorable John L. Burton regarding subsistence costs, the per diem figure had risen to $50. Now, as previously noted, the per diem cost is $52 per day. I will take administrative action to adjust the per diem allowance to $50, the maximum permitted by Pub. L. 96-346. Additional legislation will be required to increase the per diem allowance to the $52 cost level identified in our travel cost investigation.

As the result of increasing the per diem rate from $35 to $50, 84 of the existing 144 high rate geographical areas (HRGA's) no longer meet the minimum qualifying cost criterion for HRGA status and will revert to the per diem method of reimbursement. An area's subsistence cost must exceed the maximum per diem by 10 percent or more to qualify as an HRGA. Travel expenses in HRGA's are reimbursed on an actual expense basis limited to the $75 per day statutory maximum imposed by Pub. L. 96-346.

Sixty (60) of the existing 144 HRGA's meet the $55 minimum cost criterion for HRGA status and will remain HRGA's. Subsistence costs in these 60 areas range from $55.15 to $104.25. The investigations also reveal that an additional 2 localities (enclosure 1) qualify for designation as HRGA's. This brings to 62 the total number of high rate areas within the conterminous United States. I will issue the regulations necessary to so designate these additional localities and to increase the amounts allowed in the 60 localities (enclosure 2) already designated as high rate areas. However, as with the per diem rate, the $75 statutory maximum provided in Pub. L. 96-346 for actual subsistence expense reimbursement is not adequate to cover travel expenses incurred in all areas. The subsistence cost in 6 of these 62 high rate areas range from the statutory maximum of $75 to $104.25.

With respect to privately owned vehicles (POV's) used on official Government business, our investigations reveal that the average cost per mile for operating an automobile (based on a weighted average for standard, compact and subcompact automobiles) is 22.5 cents; for a motorcycle is 21.5 cents; and for an airplane is 54.0 cents. The statutory limitations that Pub. L. 96-346 imposes upon POV mileage reimbursement levels (25 cents for automobiles, 20 cents for motorcycles and 45 cents for airplanes) provide limited flexibility in administratively adjusting these allowances. I will issue regulations to increase the automobile mileage rate to 22.5 cents, currently an adequate level of reimbursement; but I can increase the motorcycle and airplane mileage rates to only 20 cents and 45 cents, respectively, the current statutory maximums. this administrative increase will provide partial relief to employees operating their privately owned motorcycles and airplanes on official Government business but will not provide a reimbursement level that

fully covers the costs revealed in our investigations.

The recently enacted Pub. L. 96-346 has given me flexibility to administratively increase the rates for subsistence and mileage reimbursement; thereby, providing much need relief for many traveling Federal employees. However, the flexibility is somewhat limited. Accordingly, I intend to discuss with OMB the propriety of submitting a legislative proposal that includes recommendations for increasing the statutory maximum rates to a level which would afford GSA the flexibility to administratively adjust the rates fully commensurate with costs for all traveling employees.

This report on the costs of travel and the operation of privately owned vehicles will be published in the **Federal Register.** The governing regulations will be amended within 30 days to reflect the subsistence and mileage allowance changes discussed above.

New Areas Which Qualify for Designation as High Rate Geographical Areas

HRGA [1]	Proposed maximum rate
1. Coatesville, PA [2]	$59
2. Atlantic City, NJ	63

[1] Locality qualifies as an HRGA based on agency request using agency-furnished cost data.

[2] Locality is a Runzheimer-surveyed point which qualifies as an HRGA based on cost data from the "Runzheimer Meal-Lodging Cost Index," compiled and published by Runzheimer and Company, Incorporated, Runzheimer Park, Rochester, Wisconsin 53167.

High Rate Geographical Area (HRGA) Allowance Changes

HRGA	Current rate	Current cost	Proposed rate
1. Atlanta, GA	$50	$55.95	$56
2. Baltimore, MD	50	58.90	59
3. Boston, MA	50	65.65	66
4. Burlington, VT	48	55.70	56
5. Charleston, WV	50	58.30	59
6. Cheyenne, WY	50	57.35	58
7. Chicago, IL	50	73.10	74
8. Cleveland, OH	50	70.80	71
9. Dallas/Ft. Worth, TX	50	71.00	71
10. Denver, CO	50	66.50	67
11. Detroit, MI	50	76.35	*75
12. Eatontown, NJ	50	55.39	56
13. El Paso, TX	47	57.80	58
14. Ft. Wayne, IN	50	61.45	62
15. Fresno, CA	48	56.10	57
16. Harrisburg, PA	50	57.50	58
17. Hartford, CT	50	55.85	56
18. Houston TX	50	74.00	74
19. Indianapolis, IN	50	61.65	62
20. Kalamazoo, MI	46	56.15	57
21. Kansas City, MO/KS	50	67.40	68
22. Lake Placid, NY	50	55.92	56
23. Las Vegas, NV	50	76.35	*75
24. Lexington, KY	49	57.20	58
25. Los Alamos, NM	50	57.70	58
26. Los Angeles, CA	50	69.05	70
27. Louisville, KY	49	58.90	59
28. Memphis, TN	49	60.50	61
29. Miami, FL	50	63.45	64
30. Milwaukee, WI	50	60.95	61
31. Minneapolis/St. Paul, MN	50	60.45	61
32. Monroeville, PA	50	63.05	64
33. Newark, NJ	50	66.70	67
34. New Haven, CT	50	62.40	63

High Rate Geographical Area (HRGA) Allowance Changes—Continued

HRGA	Current rate	Current cost	Proposed rate
35. New Orleans, LA	50	77.00	*75
36. New York, NY	50	104.25	*75
37. Philadelphia, PA	50	74.55	75
38. Pittsburgh, PA	50	64.35	65
39. Portland, OR	50	55.15	56
40. Rochester, NY	50	62.70	63
41. St. Louis, MO	50	66.30	67
42. Sacramento, CA	50	61.65	62
43. San Antonio, TX	47	60.35	61
44. San Diego, CA	50	69.85	70
45. San Francisco, CA	50	98.65	*75
46. San Jose, CA	50	64.00	64
47. Santa Barbara, CA	50	67.25	68
48. Seattle, WA	50	71.05	72
49. Spokane, WA	50	59.40	60
50. Springfield, MA	47	57.50	58
51. Syracuse, NY	50	58.80	59
52. Tampa/St. Petersburg, FL	50	61.90	62
53. Toledo, OH	47	58.45	59
54. Tucson, AZ	50	60.15	61
55. Vail, CO	50	68.14	69
56. Valley Forge/King of Prussia, PA	50	57.70	58
57. Washington, DC	50	94.05	*75
58. Wichita, KS	48	58.60	59
59. Wilmington, DE	50	61.90	62
60. Worcester, MA	50	57.50	58

* Although the subsistence costs exceed $75 per day, the daily allowance cannot exceed the newly enacted statutory maximum rate of $75. (Pub. L. 96-346, approved 9-10-80.)

[FR Doc. 80-30520 Filed 9-30-80; 8:45 am]

BILLING CODE 6820-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Retirement Policy Study: Announcement of Grant Award

The Deputy Assistant Secretary for Income Security Policy, who, in this case, has been delegated authority as Awarding Official by the Assistant Secretary for Planning and Evaluation, has today issued grant awards for the Retirement Policy Study. These awards were made to applicants responding to an announcement published in the **Federal Register** on May 28, 1980. The titles, institutions, principal investigators, and amounts of the awards are as follows:

1. "A Planning Study for the Analysis of Retirement Security Issues Using Simulation Models." University of Michigan, Institute for Social Research. James D. Smith and Edward N. Wolff. $189,566.

2. "Program for Research on Retirement and Aging." Brookings Institution. Jospeh A. Pechman. $139,133.

Date: September 25, 1980.

Barbara Boyle Torrey,

Deputy Assistant Secretary for Income Security Policy.

[FR Doc. 80-30493 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-12-M

Social Welfare Program Impact Study: Announcement of Grant Award

The Deputy Assistant Secretary for Income Security Policy, who, in this case, has been delegated authority as Awarding Official by the Assistant Secretary for Planning and Evaluation, has today issued a grant award for the Program Impact Study. This award was made to an applicant responding to an announcement published in the **Federal Register** on July 17, 1980. The title, institution, principle investigators, and amount of the award are as follows:

"Program Impact Study." Boston College, Social Welfare Research Institute. Barry Bluestone and John Havens. $218,480.

Dated: September 25, 1980.

Barbara Boyle Torrey,

Deputy Assistant Secretary for Income Security Policy.

[FR Doc. 80-30492 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-12-M

Medicare Program; Inpatient Hospital Deductible for 1981

AGENCY: Office of the Secretary (OS), HHS.

ACTION: Notice.

SUMMARY: This notice announces Medicare's inpatient hospital deductible and coinsurance amounts for spells of illness beginning in 1981. The Medicare statute specifies the formula the Secretary uses to determine these amounts. The inpatient hospital deductible will be $204. The daily coinsurance amounts will be: (a) $51 for the 61st through 90th days of hospitalization; (b) $102 for lifetime reserve days; and (c) $25.50 for the 21st through the 100th days of post-hospital extended care services in a skilled nursing facility. Each figure represents an increase of approximately 13.33 percent over the corresponding 1980 figure.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Guy King, Acting Director, Office of Financial and Actuarial Analysis, 3-0-3 Operations Building, Baltimore, Maryland 21235, (301) 594-2826.

SUPPLEMENTARY INFORMATION: Under the authority in section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)), I have determined that the Medicare inpatient hospital deductible for 1981 shall be $204.

Section 1813 provides for an inpatient hospital deductible and certain coinsurance amounts to be deducted from the amount payable by Medicare for inpatient hospital services and post-

hospital extended care services furnished an individual during a spell of illness. Section 1813(b)(2) requires the Secretary of HHS to publish, between July 1 and October 1 of each year, the amount of the inpatient hospital deductible applicable to spells of illness beginning in the following calendar year.

Because the coinsurance amounts in section 1813 are fixed percentages of the inpatient hospital deductible for services furnished in the same spell of illness, the increase in the deductible has the effect of also increasing the amount of coinsurance the Medicare beneficiary must pay. Thus, for spells of illness beginning in 1981, the daily coinsurance for the 61st through 90th days of hospitalization (¼ of the inpatient hospital deductible) will be $51; the daily coinsurance for lifetime reserve days (½ of the inpatient hospital deductible) will be $102; and the daily coinsurance for the 21st through the 100th days of post-hospital extended care services in a skilled nursing facility (⅛ of the inpatient hospital deductible) will be $25.50.

Under the formula in the law, the deductible for calendar year 1981 must be equal to $40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for calendar year 1979 to (2) the average per diem rate for such services in 1966. The amount so determined is rounded to the nearest multiple of $4. The average per diem rates are based on the amounts paid to participating hospitals by Medicare for inpatient services to insured individuals, plus the deductible and coinsurance amounts.

The average per diem rate for a calendar year is computed from the inpatient hospital bills for all beneficiaries. Each bill shows the number of inpatient days of care and the interim cost (the sum of interim reimbursement, deductible, and coinsurance). The data are summarized for each year, and an average interim per diem rate computed that accurately reflects interim costs on an accrual basis.

In order to reflect the change in the average per diem hospital cost under the program properly, the average interim cost must be adjusted to show the effect of final cost settlements made with each participating hospital after the end of its accounting year. The final settlements adjust the interim payment to the hospital to the actual full cost of providing covered services to beneficiaries. To the extent that the ratio of final cost to interim cost for 1979 differs from the ratio of final cost to interim cost for 1966, the increase in acerage interim per diem costs will not coincide with the increase in actual cost that has occurred.

The current average interim per diem rate for inpatient hospital services for calendar year 1979, based on tabulated interim costs, is $195.63; the corresponding amount for 1966 is $37.92. The averages are based on approximately 96 million days of hospitalitation in 1979 and 30 million days in 1966 (last 6 months of the year). The ratio of final cost to interim cost is approximately 1.035 for 1979 and 1.055 for 1966. Thus, the inpatient hospital deductible is $40 x (195.63 x 1.035)/(37.92 x 1.055) = $202.45, which is rounded to $204.

(Sec. 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: September 26, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-30499 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-35-M

Office of the Inspector General; Delegation of Authority To Issue Subpoenas

Notice is hereby given of delegation by the Inspector General to the Assistant Inspector General for Auditing of the authority vested in the Inspector General by section 205(a)(3) of Pub. L. 94-505 (42 U.S.C. 3525). Section 205(a)(3) authorizes the Inspector General to subpoena the production of all information, documents, reports, answer records, accounts, papers, and other data and documentary evidence necessary to carry out any audit or other function authorized or directed under Title II of Pub. L. 94-505.

The Inspector General has not limited his authority to issue subpoenas by this delegation nor has he authorized the redelegation of this authority.

The delegation is effective upon publication in the **Federal Register.**

Dated: September 21, 1980.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 80-30494 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-12-M

Health Resources Administration

Hill-Burton "Uncompensated Services" Assurance; Priorities for Handling Complaints

AGENCY: Health Resources Administration, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This notice announces the establishment of priorities for handling complaints of noncompliance by assisted medical facilities with their "uncompensated services" assurances under Titles VI and XVI of the Public Health Service Act. The priorities will determine the allocation of the Department's investigative and decision-making resources to certain complaints where the resources available are insufficient to handle all complaints.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Martin Frankel, Director, Division of Facilities Compliance, BHF, Room 5-30 Center Building No. 1, 3700 East West Highway, Hyattsville, Maryland 20782 301-436-6893.

SUPPLEMENTARY INFORMATION: Title VI (known as the Hill-Burton Act) and Title XVI of the Public Health Service Act (42 U.S.C. 291 *et seq.* and 300 *et seq.*) contain provisions for securing certain assurances from recipients of Federal financial assistance under those titles. One assurance, popularly known as the "uncompensated services" assurance, requires that an assisted facility provide a reasonable volume of uncompensated services to persons unable to pay.

In 1975, Congress enacted section 1612(c) of the Act (42 U.S.C. 300p-2(c)) [1] which, among other things, provides that if a person wants to sue a facility to have these assurances enforced, the person must first file an administrative complaint with the Secretary. If the Secretary dismisses the complaint or the Attorney General has not brought an action to enforce compliance within six months, the complainant may then bring suit. The assurances regulations issued on May 18, 1979 (44 FR 29372, *et seq.*), provide that

"If the Secretary determines that he will be unable to issue a decision on a complaint or otherwise take appropriate action within the six months period, he may, based on priorities for the disposition of complaints that are established to promote the most effective use of enforcement resources, or on the request of the applicant, dismiss the

[1] Section 1612(c) was repealed by sec. 201(a) of Pub. L. 96-79. However, it was re-enacted unchanged in all respects pertinent here by sec. 202(c) of that law.

complaint without a finding as to compliance prior to the end of the six months period, but no earlier than 45 days after the complaint is filed."

42 CFR 124.511(a)(4). Consistent with the above provision, the priorities below have been established to enable the Secretary to target her enforcement resources where they will be most effective.

In addition, the Department currently has pending in various stages of the decision process a number of complaints filed when the former regulations (42 CFR 53.111) were applicable. In all of these cases the statutory six-month period has run, and the complainants have the right under the statute to seek court enforcement of compliance. In order to smooth out its workflow and resolve the status of these outstanding complaints in an orderly fashion, the Department will also use the priorities below to screen and dismiss some of the pending old complaints, in accordance with the additional procedures discussed below.

Policy Considerations

As a general matter, the Department believes that its enforcement resources should be targeted on those complaints of noncompliance which, on their face, appear to raise the most potentially serious cases of noncompliance. The priorities below thus single out certain characteristics of complaints that we believe should provide a reasonable basis for making judgments as to the relative seriousness of the compliance problems being alleged in the complaints received by the Secretary. Although the priorities are framed in terms of determining which complaints the Department *will retain* in the investigative process, they concommitantly determine which complaints will be dismissed early under 42 CFR 124.511(a)(4). That is, complaints which do not rise high enough on the priority scale to be retained will, except as discussed in the next paragraph, routinely be dismissed with no finding as to compliance.

The priorities below have been developed based on experience gained with the approximately 400 complaints filed to date under sec. 1612(c). We assume that future complaints will exhibit the same range of characteristics as past ones. Thus, we have sought to identify, based on our experience with past complaints, those characteristics which we think establish the best case for immediate Departmental investigation. Nonetheless, it must be recognized that the priorities below are in essence an educated guess as to which characteristics are indicative of complaints that represent the most serious and urgent cases. Since we have no experience with them or with similar priorities in this program, we cannot be sure how well they will operate. We anticipate that on occasion complaints will be filed which on their face do not rise high enough on the priority scale to be investigated but which, for reasons of public policy or administrative necessity or because of other information the Department has, appear to require Departmental investigation. An exception to the priorities has accordingly been built in, to enable the Department to accommodate such cases.

Generally speaking, the complaints received by the Department to date fall into two basic categories: (1) those in which some specific injury (denial of services, denial of services on an uncompensated basis) to specific individuals is alleged and (2) those in which specific violations of the regulations are alleged, but which are not tied to alleged injuries to specific individuals. As a general matter, the Department will give the former category higher priority than the latter. Where injury to a specific individual is alleged, the allegation has greater credibility, since it obviously can be checked out. Concomitantly, there is a concrete indication of immediate—not hypothetical—harm arising from the challenged practice. In addition, such allegations facilitate the efficient use of the Department's investigative resources, since they permit targeting, where appropriate, of those resources on specific records early in the process. Thus, nonindividualized complaints have uniformly been accorded lower priority than individualized ones in the priority system.

A second assumption of the priority system is that complaints of numerous violations by a facility allege a situation that is more serious on its face than do complaints of one or a few violations. Where numerous violations are alleged, with substantiating detail, the situation on its face raises a substantial likelihood of widespread—and perhaps willful—noncompliance. Complaints with allegations of one or a few violations do not in and of themselves give rise to the same suspicion, but may instead indicate only that the facility has misunderstood the regulations in a particular respect. It is obviously possible that a complaint of the former type may be unfounded, and will under such a system get investigated at the expense of complaints of the latter type that are wholly true. But this is a risk inherent in any system which attempts to distinguish between documents solely on their face. We believe the slanting of the priority system toward cases of individualized harm will tend to minimize this risk.

A third assumption of the priority system flows from the preceding two. Specifically, the above factors—number of violations alleged, number of individuals alleged to be harmed—may have cumulative effects. Thus, where one complaint alleges numerous violations and backs up those allegations with instances of denials to numerous individuals, that complaint rises higher on the priority scale than does a complaint which alleges numerous violations, but only with respect to one or two individuals. Similarly, where repeated complaints against a facility are received, they will be considered in the aggregate: those which together from a picture of probable multiple violations rise higher on the priority scale than do those which together indicate only one or a few violations. Thus, even though an earlier complaint against a facility may have been dismissed without a finding as to compliance, a record of the complaint will be maintained, and it will be taken into account in determining how subsequently received complaints are considered on the priority scale.

Operational Considerations

The point of the priority sysem is to permit the Department to target its investigative and decision-making resources where most needed. Its investigative resources, in the main, are in its ten regional offices. This fact will necessarily produce variation in how the priority system operates from region to region, since the manpower available for conducting investigations in those offices varies. More important, the number of complaints arising in each region will also vary by some unpredictable amount, as will the other workload demands of those regional offices. This means that a region with few complaints and a comparatively light workload may be able to investigate all complaints coming into that region,[2] while a region with many complaints and otherwise heavy demands on its staff may not even be able to investigate all its complaints in the top priority. While we will make every effort to adjust our manpower to smooth out such variations, we do not control the main variable—the number of incoming complaints—and so we

[2] Under the regulations, a complaint is considered filed only when it is received in the Office of the Regional Health Administrator for the region. See 42 CFR 124.511(a)(2)(i).

anticipate that such variations will occur.

We recognize that applying the priorities will call for the exercise of considerable discretion by Department staff. However, we think that the priority criteria are specific enough to be applied reasonably consistently, and that, if so applied, they will give us a decent chance of winnowing the more serious complaints of noncompliance from the less serious. This discretion will be exercised by the staff of the Department's regional offices (in consultation with the central program office),[3] as it is they who can best determine what investigative resources are available.

Priorities

The following priorities determine which complaints filed under sec. 16129c) or sec. 1627, PHS Act, will be investigated and which will be dismissed without a finding as to compliance, pursuant to 42 CFR 124.511(a)(4). The application of the priorities to a particular complaint depends on available resources. The priorities apply to all incoming complaints, except where the regional office, in consultation with the central program office, determines that a particular complaint should be investigated despite the system because of considerations of public policy or administrative necessity, or because other information in its possession warrants such investigation.

1. *Class Complaint of Substantial Noncompliance.*

A compaint which alleges enough violations by a health care facility in connection with services to *more than five* individuals as to suggest substantial noncomplaince wih the regulations.

2. *Complaint of Substantial Noncompliance.*

A complaint which alleges enough violations by a health care facility in connection with services to *five or fewer* individuals as to suggest substantial noncompliance with the regulations.

3. *Multiple Complaint.*

A compiant which alleges a *single or few violations* by a health care facility in connection with services to specific individuals which, when considered in conjunction with prior complaints of a similar nature against the facility, suggests substantial noncompliance with the regulations.

4. *Repeated Complaints.*

A complaint which alleges a *single or few* violations of the regulations of the same type by a health care facility in connection with services to specific individuals, about which similar complaints have previously been received.

5. *Single Complaint.*

A complaint which alleges a *single or a few* violations of the regulations by a health care facility in connection with services to specific individuals.

6. *General Complaints.*

Complaints of violations of the regulations by a health care facility which do not allege injury in connection with services to specific individuals. Complaints in this category will be subdivided and handled in a manner consistent with the criteria of the above five categories.

Handling of Complaints Filed under Prior Regulations

The above priorities will also be applied to complaints filed during the period during which 42 CFR 53.111 was applicable. All of those complaints are by definition more than six months old, and thus the complainants may currently assert the private right of action available to them under the statute. As a general matter, the Department believes its limited enforcement resources are more effectively spent on enforcing the new regulations than on investigating past noncompliance, which it is powerless to remedy. However, the Department also believes that some of these pending complaints identify situations of such potentially serious noncompliance that they may serve as an early warning system to identify facilities likely to be in substantial noncompliance with the currently applicable regulations. Therefore, it will use the priority system to screen the pending complaints, and will retain certain complaints for further acton.

Dated: September 26, 1980.

Henry A. Foley,

Administrator.

[FR Doc. 80-30383 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-83-M

[3] Division of Facilities Compliance, Bureau of Health Facilities, HRA, Hyattsville, Maryland.

Office of Human Development Services; White House Conference on Aging

Technical Committee on Economy Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 95-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Economy is holding a meeting on October 21, 1980 at 1660 L Street, NW., 11th floor, Washington, D.C.

This meeting is to review Issues Committee response to workplan and to further develop Issues.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation.

Dated: September 25, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80-30319 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging, Technical Committee on Health Services; Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 95-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Health Services is holding a meeting on October 14, 1980 in Room 403 and 405A from 9:30 to 4:30 in the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C.

At this meeting the committee will review the workplan, determine fromat of final report, and finalize specific assignments for committee members in areas of research.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202)245-1914. Technical

Committee meetings are open for public observation.

September 24, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80-30189 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging, Technical Committee Physical and Environment Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Commttee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 95-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Physical and Social Enviroment is holding a meeting on October 6 and 7, 1980 in Room 703 and 705A 9:30 to 4:30 in the Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C.

At this meeting the committee will review the workplan, determine format of final report, and finalize specific assignments for committee members in areas of research.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation.

This announcement is being published with less that 15 days advance notice because of difficulties in securing Federal meeting space.

Mamie Welborne,

HDS Committee Management Office.

September 24, 1980

[FR Doc. 80-30191 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging, Technical Committee on Retirement Income; Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 95-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Retirement Income is holding a meeting on October 9, and 10, 1980, from 9:30 to 4:30 in Room 5051, North Building, 330 Independence Avenue, S.W., Washington, D.C.

At this meeting the committee will review the workplan, determine format of final report, and finalize specific assignments for committee members in areas of research.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation.

Mamie Welborne,

HDS Committee Management Officer.

September 24, 1980.

[FR Doc. 80-30190 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging; Technical Committee on Spiritual Well-Being; Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Public Law 95-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Spiritual Well-Being is holding a meeting on October 30, 1980 in Rooms 403 and 405A from 9:30 to 4:30 in the Hubert H. Humphrey Building, 200 Independence Avenue, S.W. Washington, D.C.

At this meeting the committee will review the workplan, determine format of final report, and finalize specific assignments for committee members in areas of research.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202)245-1914. Technical Committee meetings are open for public observation.

Mamie Welborne,

HDS Committee Management Officer.

September 24, 1980.

[FR Doc. 80-30192 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-92-M

Public Health Service

National Council on Health Care Technology, National Center for Health Care Technology; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Subcommittee on Criteria and Research Agenda of the National Council on Health Care Technology (Council), which was established pursuant to the Health Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95-623) and which advises the Secretary and the Director of the National Center for Health Care Technology (Center) on the activities of the Center, will convene on Friday, October 17, 1980 at 10:00 a.m. in the board room of the Milbank Memorial Fund, 1 East 75th St., New York, N.Y. This meeting will be open to the public from 10:00 a.m. to 4:00 p.m. to discuss the business of the Subcommittee. Principal consideration and discussion will be devoted to discussion of a process for writing criteria and standards for use of health care technologies.

On Wednesday, October 8, 1980, the Subcommittee on Coverage will convene at 10:00 a.m. in Room 403A of the Hubert H. Humphrey Building. The Subcommittee on Coverage will be open to the public from 10:00 a.m. to adjournment.

Principal consideration will be given to the Guidelines for the Economic Assessment of Health Care Technologies as one input to the coverage recommendations.

The Subcommittee on Grants and Contracts will convene on Thursday, November 6, 1980, from 10:00 a.m. to 4:00 p.m. in the board room of the Milbank Memorial Fund, 1 East 75th St., New York, N.Y.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title V, U.S. Code and Section 10(d) of Public Law 92-463, the Subcommittee on Grants and Contracts will be closed from 10:00 a.m. to adjournment for the review, discussion

and evaluation of the individual grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

Further information regarding the Council may be obtained by contacting Sharon Paino, Executive Secretary, National Council on Health Care Technology, Room 17A–29, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: September 16, 1980.

Wayne C. Richey, Jr.

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-30300 Filed 9-30-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Oglala Sioux Indian Tribe, Pine Ridge Reservation, S. Dak.; Transfer of Federally Owned Lands

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On July 30, 1980, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93–599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Administrator of General Services to the Secretary of the Interior, without reimbursement, to be held in trust for the use and benefit of the Oglala Sioux Tribe, Pine Ridge Reservation, South Dakota:

E½W½, W½NW¼NE¼, SW¼NE¼, S½SE¼NE¼, W½SE¼, W½NE¼SE¼, NW¼SE¼SE¼, S½SE¼SE¼, Sec. 11, T. 35 N., R. 45 W., Sixth Principal Meridian, South Dakota, containing 370.00 acres, more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Oglala Sioux Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

Thomas W. Fredericks,

Assistant Secretary—Indian Affairs.

September 24, 1980.

[FR Doc. 80-30291 Filed 9-30-80; 8:45 am]

BILLING CODE 8310-10-M

Bureau of Land Management

[Ser. No. I-15361]

Idaho; Notice of Proposed Withdrawal Continuation

September 22, 1980.

The Bureau of Land Management has filed a statement of justification for continuation of an existing Public Water Reserve Withdrawal. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204(L) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Boise Meridian, Idaho

T. 8 S., R. 34 E.,
Sec. 8, SW¼SW¼;
Sec. 17, NE¼NW¼.

The area described aggregates 80 acres in Power County, Idaho.

The land is segregated from operation of the public land laws, including location for non-metalliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawal or use of the lands is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer within 30 days of the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before October 31, 1980.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 80-30296 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-84-M

[NM 40903]

New Mexico; Notice of Application

September 22, 1980. 1Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Navajo Pipeline Company and Midland-Lea Pipeline Company have applied for one 8-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 17 S., R. 27 E., N.M.P.M.,
Sec. 20, S½NW¼, NE¼SW¼;
Sec. 28, SW¼NW¼, E½SW¼, NW¼SW¼, SW¼SE¼;
Sec. 33, N½NE¼, SE¼NE¼;
Sec. 34, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼.
T. 18 S., R. 27 E., N.M.P.M.,
Sec. 1, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 3, Lots 1, 2, N½SE¼NE¼, N½S½SE¼NE¼;
Sec. 12, N½NE¼, SE¼NE¼, E½SE¼.
T. 21 S., R. 27 E., N.M.P.M.,
Sec. 4, Lots 1, 6, 9, 14, E½SE¼;
Sec. 9, E½E½;
Sec. 10, SW¼SW¼;
Sec. 15, SW¼NE¼, N½NW¼, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, W½NW¼, N½SW¼, SE¼SW¼, SW¼SE¼.
T. 19 S., R. 28 E., N.M.P.M.,
Sec. 33, W½SW¼.
T. 20 S., R. 28 E., N.M.P.M.,
Sec. 4, W½W½;
Sec. 9, W½W½;
Sec. 21, W½W½;
Sec. 28, W½W½;
Sec. 33, SW¼SW¼.
T. 22 S., R. 28 E., N.M.P.M.,
Sec. 6, Lot 5;
Sec. 7, Lots 5, 6, 7, 8;
Sec. 18, Lots 6, 7, 10, 11;
Sec. 19, Lots 6, 7, 10.

These pipelines will convey natural gas across 17.630 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

James H. O'Connor,

District Manager.

[FR Doc. 80-30294 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-84-M

Oregon Westside Salem Timber Management Plan, Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping; Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will prepare an Environmental Impact Statement (EIS) on the proposed timber management plan for the Columbia and Alsea-Rickreall Sustained Yield Units (SYUs) in the Salem District of western Oregon. The final statement is to be completed by December 31, 1981. Decisionmaking will take place over a period of several months following completion of the final statement. A public meeting will be held during the decisionmaking process.

This statement will analyze the environmental effects of a proposed 10-year timber management plan and alternatives to the proposal for 247,825 acres of public land in the SYUs. Portions of the SYUs are within Benton, Columbia, Lane, Lincoln, Polk, Tillamook, Washington and Yamhill counties. The proposed timber management plan has evolved from coordinated land use allocations for all resources developed through the Bureau's land use planning system. A proposed sustained yield timber harvest level for the next decade has been identified along with management practices required to achieve this level of harvest. Harvest would be predominately by clearcutting with some shelterwood cutting. Single tree selection would be used in salvage situations. Additional managment practices to be employed include slash disposal, artificial reforestation (some with genetically improved stock), animal damage control, road construction, thinning, fertilization and vegetation control (both to release conifers from competing vegetation and to convert some brush and hardwood stands to conifers) with herbicides as well as manual and mechanical methods.

Discussion of an alternative of no change from present harvest level and practices is required and will be included in the EIS. Additional types of alternatives to the proposal which might be discussed in the statement include:

1. Variations in land use allocation in which more or less land is designated for intensive timber production.

2. Different acreages, cycles or types of intensive timber management practices.

Each alternative included in the statement is expected to have a different annual harvest level.

The EIS will identify the impacts that can be expected from implementation of any alternative, including the proposed action. The statement will be an analytical tool used to assist in making final decisions for managing timber resources in the SYUs. The final decisions are expected to guide the operations in the SYUs for a 10-year period beginning in October 1982.

A public scoping meeting to identify significant issues and to obtain public comments on the formulation of specific alternatives will be held. Significant environmental issues are those considered to be of particular importance for in-depth analysis in the EIS. The principal meeting will take place at Salem Heights Elementary School, 3495 Liberty Road South, in Salem, Oregon, on October 28, 1980, at 7:00 p.m. Informal meetings as requested by groups or agencies may take place prior to November 15, 1980, on an arranged basis.

Further infomation may be obtained from the following individuals:

Bob Saunders, Planning Coordinator, Bureau of Land Management. 3550 Liberty Road S., P.O. Box 3227, Salem, Oregon 97302. Telephone (503) 399-5634.

Richard Bonn, Statement Leader, Bureau of Land Management (911.1), P.O. Box 2965, Portland, Oregon 97208. Telephone (503) 231-6953.

Dated: September 24, 1980.

Philip C. Hamilton,

Chief, Planning and Environmental Coordination Staff, Oregon State Office.

[FR Doc. 80-30292 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-84-M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR 1780 that a meeting of the Medford District Advisory Council will be held on October 24, 1980

The meeting will begin at 8:00 a.m. and end at 12:00 noon in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon.

The agenda for this meeting will include:

1. A continued discussion of the functions of the Council
2. A continued orientation to Medford District programs and issues
3. Arrangement for the next meeting

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 11:00 and 11:30 a.m. or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501, telephone 503 776-4187, by close of business October 17, 1980. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained at the District Office and be available for public inspection and reproduction at the cost of duplication.

Dated: September 19, 1980.

Wayne Boden,

Acting District Manager.

[FR Doc. 80-30295 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-84-M

[INT DES 80-63]

Texas; Availability of Draft Environmental Impact Statement for Proposed Camp Swift Lignite Leasing, Bastrop County, Tex., and Holding of Public Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management (BLM), Department of the Interior, has prepared a draft environmental impact statement (EIS) for the proposed competitive leasing of Federal lignite reserves at the Camp Swift Military Reservation, in Bastrop County, Texas. Copies of the draft EIS are available to the public at the locations listed in the Addresses section of this notice. The BLM is seeking public comment on the document.

DATES: Written comments on the draft EIS will be accepted on or before December 1, 1980. Public hearings to accept written and oral comments will be held on the dates specified in the Supplementary Information section of this notice.

ADDRESSES: Written comments on the draft EIS should be sent to the State Director (922), New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Single copies of the draft EIS may be obtained from the BLM New Mexico State Office at the address listed above and from the Office of Public Affairs, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240. Addresses of the locations of the public hearings to be held are specified in the Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: Carol MacDonald, New Mexico State Office (922), Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, telephone (505) 988-6124.

SUPPLEMENTARY INFORMATION: The draft EIS analyzes the site-specified and cumulative environmental and social economic impacts that would result from the leasing and development of 6,600 acres of lignite reserves at the Camp Swift Military Reservation, in Bastrop County, Texas. The EIS also includes a draft unsuitability assessment prepared as part of the Federal Lands Review to determine whether any lands may be unsuitable for surface mining, as defined by the 43 CFR 3400 Federal Coal Management regulations.

Public comments on the draft EIS are being sought before preparing the final EIS and should be sent to the BLM New Mexico State Office at the address listed above. All comments on the draft EIS, whether written or oral, which are received by December 1, 1980, will receive equal consideration in the preparation of the final EIS.

A series of public hearings have been scheduled to accept written and/or oral comments on the draft EIS. The hearings have been scheduled for the dates, times, and locations indicated below:

Bastrop, Texas: Old District Courtroom, 2nd Floor, Bastrop County Courthouse, Tuesday, November 18, 1980—1:00 p.m. and 7:00 p.m.

Austin, Texas: Radian Conference Room, Radian Corporation, 8501 MoPac Boulevard, Wednesday, November 19, 1980—1:00 p.m.

San Antonio, Texas: Commerce Room, National Bank of Commerce Annex, 430 Soledad Street, Thursday, November 20, 1980—1:30 p.m.

All individuals wishing to comment on the draft EIS at the public hearings should notify, in writing, Carol MacDonald at the BLM New Mexico State Office address listed above by November 10, 1980. This notification should identify the organization that is being represented (if speaking for an organization), should be signed by the individual who will be speaking, should indicate which location he/she wishes to speak and, for the first hearing, should indicate which session (afternoon or evening). The cutoff date is necessary so that a speakers list can be made available on the day of the public hearing.

Only one person will be allowed to represent the views of a single organization. However, if a member of an organization wishes to speak as a private citizen, his/her views will be permitted. Speakers will be heard in the order set forth on the list prepared. People who indicate they wish to speak when they check in at the hearing room may also have an opportunity after the last listed pre-registered speaker has been heard. The presiding officer will consider the request of any person who wishes to speak.

All individuals speaking at the public hearings will be limited to a maximum of ten minutes each. The complete text of prepared speeches should be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted ten minutes. The complete text of prepared remarks will be included as part of the hearing record regardless of whether or not the speaker completes within the time limit.

Copies of the draft statement, along with copies of the Technical Report Volume, are on file and available for public inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, Room 5623, 18th and C Streets, N.W., Washington, D.C. 20240.

New Mexico State Office, Bureau of Land Management, Public Information Office, Post Office and Federal Building, Santa Fe, New Mexico 87501.

Roswell District Office, Bureau of Land Management, Featherstone Farm Building, Roswell, New Mexico 88201.

General Library, University of Texas at Austin, Austin, Texas 78712.

Bastrop Public Library, 1008 Water Street, Bastrop, Texas 78602.

Elgin Public Library, 114 Depot Street, Elgin, Texas 78621.

Smithville Public Library, Main at 6th Street, Smithville, Texas 78957.

Railroad Commission of Texas, 1124 S IH 35, Austin, Texas 78704.

John Peace Library, University of Texas at San Antonio, San Antonio, Texas 78284.

A decision whether to lease the proposed area will be made not less than 30 days following publication of the final EIS which is scheduled for April 1981.

Dated: September 24, 1980.

Ed Hastey,

Associate Director, Bureau of Land Management.

Dated: September 25, 1980.

Approved:

James W. Curlin,

Acting Assistant Secretary of the Interior

[FR Doc. 80-30377 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-84-M

Fairbanks District Advisory Council Meeting

The Fairbanks District of the Bureau of Land Management, Fairbanks, Alaska, will convene its first general District Advisory Council meeting on Tuesday, December 2, 1980. Location of the meeting will be in the BLM District conference room, 2nd floor, Fairbanks District Office Building, Gaffney and Marks Road on Ft. Wainwright, Alaska. The meeting will convene at 8 a.m. and conclude at 5 p.m. the same day. Public comments and recommendations will be received by the Council commencing at 4 p.m. Verbal public response may be limited by time and it is recommended that public comments be submitted in writing at the meeting.

The first hour of the meeting will be a general orientation of the Council to the BLM in Alaska with an overview of major district programs. The remainder of the meeting will be devoted to a discussion of the Fairbanks District mineral program and the application of the new 43 CFR 3809 regulations to northern Alaska. Information may be obtained through: Public Affairs, (907) 356-2345, Bureau of Land Management, Box 1150, Fairbanks, Alaska 99707, ATTN: Advisory Council (204).

Carl D. Johnson,

District Manager.

[FR Doc. 80-30425 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified

activity with the indicated Endangered Species:

Applicant: Joseph DeSarro, Cody, WY 82414; PRT 2–4103.

The applicant requests a permit to purchase in interstate commerce six captive-bred Nene or Hawaiian geese (*Branta sandvicensis)* from the St. Louis Zoological Gardens, St. Louis, MO for enhancement of propagation and survival.

Applicant: Detroit Zoological Park, Detroit, MI 48068; PRT 2–7114.

The applicant requests a permit to import in foreign commerce one captive-bred mountain zebra (*Equus zebra*) from the Zurich Zoo, Switzerland for enhancement of propagation and survival.

Applicant: Duke University Primate Center, Durham, NC 27705; PRT 2–7116.

The applicant requests a permit to import in foreign commerce two captive-bred black lemurs (*Lemur macaco*) from the Michken Wildlife Corporation, Montreal, Canada for enhancement of propagation and survival.

Applicant: Douglas L. Hopp, Sparta, WI 54565; PRT 2–7121.

The applicant requests a permit to purchase in interstate commerce four captive-bred Nene geese (*Branta sandvicensis*) from David Monusko, Poulsbo, Washington for enhancement of propagation and survival.

Applicant: Jackson Zoological Park, Jackson, MS 39209; PRT 2–7110.

The applicant requests a permit to purchase six captive-bred cheetahs (*Acinonyx jubatus*) from various U.S. sources for enhancement of propagation and survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington,VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Dated: September 26, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-30459 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, MN 55124.

The applicant requests a permit to import two Siberian tigers (*Panthera tigris altaica*) from the Moscow Zoo for the purpose of enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7127. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: September 24, 1980.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-30460 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-55-M

Correction Notice of Public Hearings on the Draft Environmental Impact Statement on the Management of Charles M. Russell National Wildlife Refuge, Mont.

AGENCY: Fish and Wildlife Service.

ACTION: Correction Notice.

SUMMARY: This notice corrects the dates of public hearings on the draft environmental impact statement on the Management of Charles M. Russell National Wildlife Refuge in Montana, changing the dates of the public hearings and the comment deadline which were published in the **Federal Register** 44 FR 62204 (September 18, 1980).

DATES: Written comments are requested by December 5, 1980.

Public hearings will be held as follows:

October 28, 7:00 p.m., Village Red Lion Motor Inn, 100 Madison, Missoula, Montana.

October 29, 7:00 p.m., Civic Center, 309 5th Ave. So., Lewistown, Montana.

October 30, 7:00 p.m., Civic Center, 319 3rd St. So., Glasgow, Montana.

November 3, 10:00 a.m., Interior Auditorium, Main Interior Building, 18th and C Street NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Bill Knauer, U.S. Fish & Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Telephone: (303) 234–4608.

Don W. Minnich,

Regional Director, U.S. Fish and Wildlife Service, Region 6.

September 22, 1980.

[FR Doc. 80-30424 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Upper Delaware National Scenic and Recreational River, Pa.-N.Y.; General Guidelines for Land and Water Use Available

The National Park Service will convene public hearings in New York and Pennsylvania to present, review, and receive comment on proposed General Guidelines for land and water use control measures to be developed and implemented by the appropriate officials of the States of New York and Pennsylvania, by the local political subdivisions, and by the Delaware River Basin Commission. The Guidelines have been prepared by the National Park Service with the active participation and recommendation of the many governments and agencies involved in the Upper Delaware River Valley, with the participation of concerned private individuals and organizations, and the advice of the Upper Delaware Citizens Advisory Council; in accordance with Pub. L. 95–625.

An important function of the General Guidelines will be to promote a consistency, unity, and commonality of approach to land use management by all of the various agencies of federal, state, and local governments having jurisdiction within the Upper Delaware Corridor. These Guidelines should complement and contribute to the systematic application of existing local, state and federal laws and regulations.

These Guidelines serve:

To guide the NPS in establishing and implementing interim management programs.

To guide all parties in the development of the management plan.

To guide all parties, particularly local governments, in the preparation of plans, ordinances, and regulations in the interim period before the completion and approval of the management plan.

These Guidelines are intended to act as a framework for municipalities to develop zoning ordinances and regulations which comply with the

intent and purpose of the River Management Plan. Municipalities may create a Delaware River District which utilizes these Guidelines as a basis for use regulations. The Guidelines should be considered as guideposts rather than absolutes. This document is not intended to be a model zoning ordinance to be adopted as written.

The General Guidelines represent the first step in a two-year planning process. The draft River Management Plan which is currently in preparation, will contain detailed recommendations for land and water use controls as well as methods for implementation. The General Guidelines will be supplemented by the draft River Management Plan which is expected to be available in the Fall of 1981.

Copies of the Guidelines are available for review in the clerk's or Secretary's offices of each town and township in the river corridor; the county planning offices of Pike and Wayne Counties in Pennsylvania; and Orange, Sullivan, and Delaware Counties in New York; and at the Superintendent's office, Upper Delaware National Scenic and Recreational River, in Narrowsburg, New York.

Public hearings will be held at the following times and locations:

Tuesday, October 28, 1980
Delaware Valley Central School
State Route 97
Town of Fremont, New York

Wednesday, October 29, 1980
Lackawaxen Township Municipal Building
Lackawaxen Village
Lackawaxen Township, Pennsylvania

Written comments may be addressed to:

Upper Delaware Planning Team
Mid-Atlantic Regional Office
National Park Service
143 S. Third Street
Philadelphia, Pennsylvania 19106

Comments will be accepted until November 28, 1980.

Dated: September 18, 1980.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 80-30320 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-70-M

Valley Forge National Historical Park, Montgomery County, Pa.; Availability of Draft General Management Plan

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice.

SUMMARY: The assessment of alternatives for the draft General Management Plan at Valley Forge National Historical Park has had public review and an alternative has been selected. This alternative was determined to have no significant impact on the environment.

The alternative selected is a variation of alternative number 2 of the plan and consists of removal of certain roads, accentuation of the historic core, concentration of recreation to the periphery of the park and to the north side of the Schuylkill River and the development of a mass transit system.

Based on an evaluation on the park's environmental assessment released in June 1980, the Regional Director has determined this is not a major Federal action significantly affecting the human environment.

This finding of no significant impact (FONSI) has been prepared by and is available from the Superintendent of Valley Forge National Historical Park.

Please address all comments to:

Superintendent, Valley Forge National Historical Park, Valley Forge, PA 19481.

Dated: September 17, 1980.

James W. Coleman, Jr.

Regional Director, Mid-Atlantic Region.

[FR Doc. 80-30322 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-70-M

Valley Forge National Historical Park, Pa; Designation of Boundary

Section 301 of the Act of June 28, 1980, (94 Stat. 601), authorized a revision of the boundaries of the Valley Forge National Historical Park.

Notice is given that the boundary of the Valley Forge National Historical Park has been revised pursuant to the above Act, to include the lands depicted on boundary map numbered 646/VF-91,001, dated June 1979 prepared by the Land Acquisition Division of the Mid-Atlantic Region of the Naitonal Park Service.

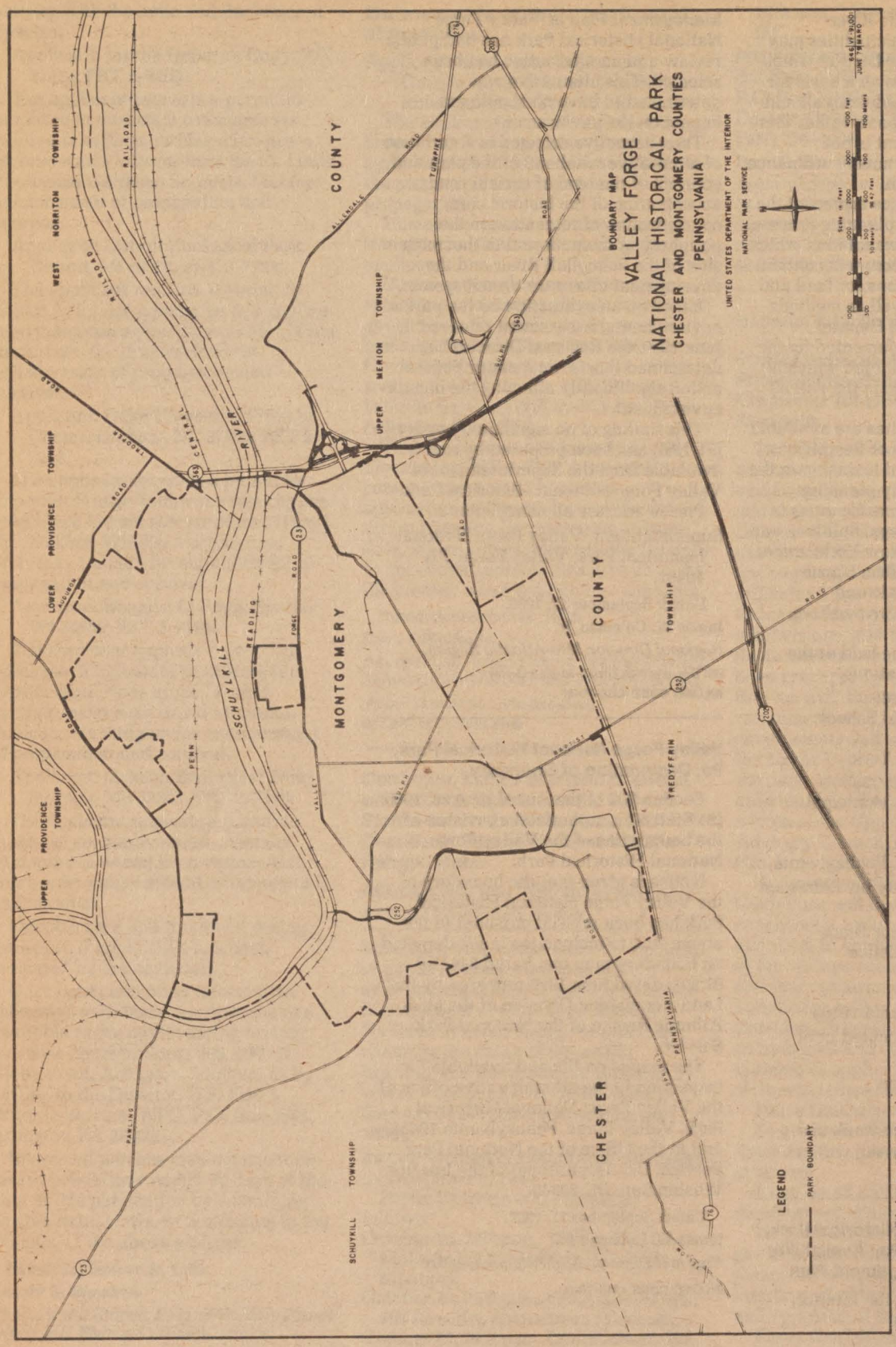
The map is on file and available for inspection in the administrative office of the Valley Forge National Historical Park, Valley Forge, Pennsylvania 19481 and in the Office of the National Park Service, U.S. Department of the Interior, Washington, DC 20240.

Dated: September 11, 1980.

James W. Coleman Jr.,

Regional Director, Mid-Atlantic Region.

BILLING CODE 4310-70-M



[FR Doc. 80-30321 Filed 9-30-80; 8:45 am]

BILLING CODE 4310-70-C

INTERSTATE COMMERCE COMMISSION

[Notice No. 198]

Assignment of Hearings

September 15, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as prompty as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 144140 (Sub-45F), Southern Freightways, Inc., now assigned for hearing on November 13, 1980 (2 days) at Orlando, FL, in a hearing room to be later designated.

MC 106398 (Sub-958F), National Trailer Convoy, Inc., now assigned for hearing on November 17, 1980 (5 days) at Orlando FL in a room to be later designated.

No. 37338, South Carolina Public Service Authority V. Clinchfield Railroad Company, et al., now assigned for continued hearing on October 16, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111231 (Sub-277F), Jones Truck Lines, Inc., now assigned for hearing on November 4, 1980 (9 days) at Houston, TX in a hearing room to be later designated.

MC 111231 (Sub-277F), Jones Truck Lines, Inc., now assigned for hearing on January 6, 1981 (4 days) at San Antonio, TX in a hearing room to be later designated.

MC 146426 (Sub-6F), Hamilton Transfer, Storage & Feeds, Inc., is transferred to Modified Procedure.

MC 146769 (Sub-1F), Stewart Corporation d.b.a. Transinternational System, is transferred to Modified Procedure.

No. 37450, Central Illinois Light Company v. the Atchison Topeka and Santa Fe Railway Company, et al. now being assigned for prehearing conference on September 16, 1980 at the Offices of the Interstate Commerce Commission, at Washington, D.C.

MC 143289 (Sub-7F), Caldwell Truck Rentals, Inc., now being assigned for hearing on November 13, 1980 at Charlotte, NC location of hearing room will be by subsequent notice.

MC 147432F, Marine Transit, Inc., now being assigned for hearing on November 17, 1980 at Columbia, SC location of hearing room will be designated later.

MC 147833 (Sub-1F), Flash Transportation & Leasing Company, Inc., now being assigned for hearing on November 13, 1980 at Buffalo, NY, location of hearing room will be designated later.

MC 35628 (Sub-418F), Interstate Motor Freight System, now being assigned for hearing on November 17, 1980 (1 week) at Buffalo, NY location of hearing room will be designated later.

MC 115116 (Sub-32F) Suburban Transit Corp., now being assigned for hearing on October 14, 1980 (4 days) at East Brunswick, NJ, at the Ramada Inn, Route 18 & Naricon Place.

MC 145359 (Sub-11F), Thermo Transport, Inc., is transferred to Modified Procedure.

MC 103051 (Sub-480F), Fleet Transport Company, Inc., now assigned for hearing on October 27, 1980 (1 week) at Nashville, TN in Room A-440, Federal Building & U.S. Courthouse, 801 Broadway.

MC 100666 (Sub-463F), Melton Truck Lines, Inc., and

MC 114552 (Sub-225F), Senn Trucking Company, now assigned for hearing on October 14, 1980 (4 days) at Nashville, TN in Room No. A-440, Federal Building & U.S. Courthouse, 801 Broadway.

MC 58923 (Sub-54F), Georgia Highway Express, Inc.—Extension General Commodities, now asigned for hearing on November 17, 1980 at New Orleans, LA in Room No. 648, F. Edward Hebert Federal Bldg., 600 South Street.

MC 118159 (Sub-343F), National Refrigerated Transport, Inc., now assigned for hearing on Septemer 8, 1980 at Tampa, FL is cancelled and application dismissed.

MC 30319 (Sub-151F), Southern Pacific Transport Company of Texas and Louisiana now assigned for hearing on October 27, 1980 at Fort Worth, TX is cancelled and application dismissed.

MC 147331 (Sub-1F), Carmichael Tours, Inc., now assigned for hearing on October 1, 1980 (3 days) at New York N.Y. at the Federal Building, Room E-2222, 26 Federal Plaza.

MC 144122, (Sub-49F), Carretta Trucking, Inc., now assigned for hearing on September 30, 1980 at New York, NY at the Federal Building, Room E-2222, 26 Federal Plaza.

No. 43 (Sub-63F), Illinois Central Gulf Railroad Company Abandonment near Port Gibson and Crosby and Harriston and Fayette, Mississippi now assigned for hearing on October 7, 1980 (9 days) at N. Fayette, MS at the City Hall, instead of Natchez, MS.

No. MC 58549 (Sub-29F), General Motor Lines, Inc., and MC 58549 (Sub-32F), General Motor Lines, Inc., General Motor Lines, Inc., now assigned for hearing on October 20, 1980 (5 days) at Roanoke, VA and continued to November 5, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C. is cancelled and application dismissed.

MC 127278 (Sub-6F), Pacific Van & Storage Co., Inc., now assigned for hearing on October 6, 1980 (1 week) at Los Angeles, CA is canceled and application dismissed.

MC 52709 (Sub-363F), Ringsby Truck Lines, Inc., now assigned for hearing on September 15, 1980 (5 days) at Spokane, WA is canceled and application dismissed.

MC 38481 (Sub-19F), Farruggio's and Philadelphia Auto Express, Inc., is transferred to Modified Procedure.

MC 145588 (Sub-12F), Gulf Mid-Western, Inc., now assigned for hearing on September 9, 1980 at Fort Worth, TX is cancelled and application.

MC 9291 (Sub-11F), Carrol Ball Transport, Inc., is transferred to Modified Procedure.

MC 929112F), Carroll Ball Transport, Inc., is transferred to Modified Procedure. 12598528F), Auto Driveway Company, is transferred to Modified Procedure.

FF-517F, Middle Atlantic Freightways, Inc., is transferred to Modified Procedure.

NO. 37411, Western Great Lakes Ports Assoc., et al., the Atchison, Topeka & Santa Fe Railway Company, et al., now assigned for hearing on October 21, 1980 (4 days) at Chicago, IL will be held in Room 3883, 226 South Dearborn Street.

MC 127651 (Sub-53F), Everett G. Roehl, Inc., now assigned for hearing on October 27, 1980 (5 days) at Chicago, IL will be held in Room 349, 226 South Dearborn Street.

MC 147484 (Sub-1F), Myers Transfer, Inc., now assigned for hearing on September 30, 1980 at Jacksonville, FL will be held in Room 801, Federal Building, 400 West Bay Street.

MC 94201 (Sub-181F), Bowman Transportation, Inc., now assigned for Prehearing Conference on October 27, 1980 at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 108207 (Sub-508F), Frozen Food Express, Inc., now assigned for Prehearing Conference on October 30, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107678 (Sub-71F), Hill & Hill Truck Line, Inc., now assigned for hearing on October 28, 1980 at San Francisco, CA is canceled and application is dismissed.

MC 108449 (Sub-414F), Indianhead Truck Line, Inc., application is dismissed.

MC 140611 (Sub-1F), Harkema Express Lines, Inc., now assigned for hearing on September 16, 1980 at Buffalo, NY is postponed indefinitely.

MC 145981 (Sub-12F), Ace Trucking Co. Inc., now assigned for hearing on September 9, 1980 at New York, NY is transferred to Modified Procedure.

MC 58923 (Sub-54F), Georgia Highway Express, Inc., now assigned for hearing on October 14, 1980 at Atlanta, GA will be held at the ICC Hearing Room 401—4th Floor, 1776 Peachtree Street, N.W.

MC 143775 (Sub-123F), Paul Yates, Inc., now assigned for hearing on October 28, 1980 (2 days) at San Francisco, CA in a hearing room to be later designated.

MC 135524 (Sub-93F), G. F. Trucking Co., now assigned for hearing on October 30, 1980 (2 days) at San Franciso, CA in a hearing room to be later designated.

MC 5623 (Sub-51F), Arrow Trucking Co., now assigned for hearing on November 3, 1980 (1 week) at San Francisco, CA in a hearing room to be later designated.

MC 126473 (Sub-41F), Harold Dickey Transport, Inc., now assigned for hearing on September 17, 1980 (3 days) at Chicago, IL, is canceled and application dismissed.

MC 141441 (Sub-4F), Crocker Truck Lines, Inc., now assigned for hearing on

September 22, 1980 (1 week) at Spokane, WA is canceled and application dismissed.

MC 145588 (Sub-14F), Gulf Mid-Western, Inc., now assigned for hearing on October 15, 1980 at Fort Worth, TX is canceled and application is dismissed.

MC 57992 (Sub-8F), Sewell Motor Express, Inc., is transferred to Modified Procedure.

MC 79068 (Sub-18F), H. S. Anderson Trucking Co., is transferred to Modified Procedure.

MC 56679 (Sub-141F), Brown Transport, Inc., now assigned for hearing on October 6, 1980 at Orlando, FL in Room No. 455, Federal Building, 80 East Hugher Avenue.

No. FD-29187 (Sub-1F), Providence and Worchester Company—Control—of Vermont & Massachusetts Railroad Company now assigned for prehearing conference on October 1, 1980 (1 day) at Room 501, 150 Causeway.

No. 58902 (Sub-19F), Manley Transfer Company, Inc., now being assigned for hearing on October 27, 1980 (2 weeks) at Kansas City, MO location of hearing room will be designated later.

MC 144858 (Sub-9F), Denver, Southwest Express, Inc., now being assigned for hearing on October 28, 1980 (1 day) at Tampa, FL location of hearing room will be designated later.

MC 148098F, Cities Transit, Inc. of Florida, now being assigned for hearing on October 29, 1980 (3 days) at Tampa, FL location of hearing room will be designated later.

MC 142207 (Sub-27F), Brannan Systems, Inc., now being assigned for hearing on November 3, 1980 (1 week) at Mobil, AL location of hearing room will be designated later.

MC 146379 (Sub-4F), Auto Express, Inc., now assigned for hearing on November 18, 1980 (4 days) at New York, NY in a hearing room to be later designated.

MC-F-14275, U.S. Bus, Inc.—Purchase (Portion)—Greyhound Lines, Inc., MC 1515 (Sub-286F), Greyhound Lines, Inc., MC 149076F, U.S. Bus, Inc., now assigned for hearing on September 15, 1980 at Laurel, MD, on September 16, 1980 at Washington, D.C., September 17, 1980 at Laurel, MD, is canceled and reassigned to September 15, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113300 (Sub-12F), William T. Herron Trucking, Inc., now assigned for hearing on November 13, 1980 (1 day) at Columbus, OH in a hearing room to be later designated.

MC 123048 (Sub-472F), Diamond Transportation System, Inc., now assigned for hearing on November 14, 1980 (1 day) at Columbus, OH in a hearing room to be later designated.

MC 14552 (Sub-69F), McNicholas Transportation Co., now assigned for hearing on November 17, 1980 (5 days) at Columbus, OH in a hearing room to be later designated.

MC 142359 (Sub-7F), Port East Transfer, Inc., is transferred to Modified Procedure.

MC 105566 (Sub-201F), Sam Tanksley Trucking, Inc., now assigned for hearing on November 4, 1980 (1 day) at Philadelphia, PA in a hearing room to be later designated.

MC 147591F, United Limo, Inc., now assigned for hearing on November 5, 1980 (3 days) at Philadelphia, PA in a hearing room to be later designated.

MC 136315 (Sub-81F), Olen Burrage Trucking, Inc., application is dismissed.

MC 2960 (Sub-28F), England Transportation Company of Texas, now assigned for hearing on October 28, 1980 at Oklahoma City, OK is transferred to Modified Procedure.

MC 106839 (Sub-8F), Larsen Motor Lines, Inc., now assigned for hearing on September 15, 1980 at New Orleans, LA is canceled and transferred to Modified Procedure.

MC 140611 (Sub-1F), Harkema Express Lines, Inc., now assigned for hearing on September 16, 1980 at Buffalo NY is postponed indefinitely.

MC 37417 Shipments in Marine Containers On Railroad Flatcars, April 1980, now assigned for hearing on September 16, 1980 at San Francisco, CA is postponed to October 14, 1980 (4 days) at Washington, D.C., and continued to October 21, 1980 (4 days) at San Francisco, CA in a hearing room to be later designated.

MC 32882 (Sub-138F), Mitchell Bros. Truck Lines, An Oregon, now assigned for hearing on September 28, 1980 at Portland, OR is transferred to unopposed Modified Procedure.

MC 42710 (Sub-15F), Ben's Transfer & Storage Co., Inc., now assigned for hearing on September 15, 1980 (1 week) at Boise, ID is transferred to Modified Procedure.

MC 146048 (Sub-3F), D.T. Auto Transport, Inc., now assigned for Prehearing Conference on September 18, 1980 (1 day) at Denver, CO will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 147408 (Sub-2F), Isadore Hall DBA I. Hall Charter Service, now assigned for hearing on October 27, 1980 (1 week) at Baltimore, MD in a hearing room to be later designated.

I&SM-30261, Increased Commuter Fares, De Camp Bus Lines, July 1980 now assigned for hearing on September 16, 1980 at New York, NY is canceled.

MC 133485 (Sub-26F), International Detective Service, Inc., and MC 133485 (Sub-27F), International Detective Serice, Inc., now being assigned for hearing on November 17, 1980 (5 days) at Providence, RI, location of hearing room will be designated later.

MC 142703 (Sub-27F), 1980 Intermodal Transportation Service, Inc. is transferred to Modified Procedure.

MC 117940 (Sub-348F), National Carriers, Inc., is transferred to modified Procedure.

MC 144682 (Sub-21F), R.R., Stanley, transferred to Modified Procedure.

MC 139482 (Sub-121F), New Ulm Freight Lines, Inc., now assigned for hearing on September 23, 1980 at St. Paul, MN, is trnsferred to Modified Procedure.

MC 98614 (Sub-9F), Arkansas Transport Company, is transferred to Modified Procedure.

MC 148552F, Motorhome Transport, Inc., is transferred to Modified Procedure.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30272 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 342]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: September 18, 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 1100.247). 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 identical 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 promptly 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.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience 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 on or before October 31, 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 requirement 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 on or before October 31, 1980, or the application shall stand denied.

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 common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 124174 (Sub-173F), filed June 30, 1980, previously noticed in the **Federal Register** issue of August 28, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 681137. Representative: Karl E. Momsen (same address as applicant). Transporting *sinks, lavatories, and tubs,* from Nashua, NH, to Morristown, TN and Elizabeth City, NC, and points in Dade and Broward Counties, FL, and those in OH, WV, MI, KY, and IN.

Note.—This republication indicates the correct destination points.

[FR Doc. 80-30281 Filed 9-30-80; 8:45 am]

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[Volume No. OP3-024]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: September 23, 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 FR 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 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.

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 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 42405 (Sub-41F), filed September 2, 1980. Applicant: MISTLETOE EXPRESS SERVICE, INC., 111 Harrison, Oklahoma City, OK 73104. Representative: Sidney P. Upsher, P.O. Box 25 25125, Oklahoma City, OK 73125. Transporting *shipments weighing 100 pounds or less* if transported in a vehicle in which no one package exceed 100 pounds, between points in the U.S.

MC 126305 (Sub-145F), filed September 12, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. government, between points in the U.S.

MC 127834 (Sub-125F), filed September 17, 1980. Applicant: CHEROKEE HAULING & RIGGING, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities*, between Sayre, Lahoma, Bucher, Calumet, Geary, Greenfield, Alcorn, Apache, Geronimo and Verden, OK, Caruso, Breton, Ford, Stuttgart and Calvert, KS, Vienna, Clay, Quitman and Dodson, LA, Rushville, Rockbridge, Medora, Kuhn, Marine, Mineral and Tinley Park, IL, Samos, Clarksdale and Moscow Mills, MO, San Jon, NM, Franklinville, NC, Everett, Groom, Shamrock and Royal, TX, Shooks, MN, Harbine, Plymouth, Clatonia, Hallman and Martell, NE, Cashup, WA, Shirley, Simla, Genoa, Vona, and Burlington, CO, and Houghton, Rider, Thompson, Lakota, Armstrong, Rossie, Westview, Holland, Ainsworth, Traer, Vinton, Oxford, Winterset, Hamlin, Hancock, Menlo, Malcom, Indianola and Farmington, IA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service.

MC 144605 (Sub-10F), filed September 9, 1980. Applicant: HOPPY LINES, INC., 420 Devonshire, Brea, CA 92621. Representative: Miles L. Kavaller, 315 South Beverly Dr., Suite 315, Beverly Hills, CA 90212. 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 148965 (Sub-2F), filed September 12, 1980. Applicant: CLARK BROS. TRANSPORTATION, INC., 1808 North 30th St., Birmingham, AL 35207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. government, between points in the U.S.

MC 151814F, filed September 10, 1980. Applicant: DON H. PHIPPS, d.b.a. REFRIGERATED TRANSPORT, 3707 Calhoun Ave., Ames, IA 50010. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. 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*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 80-30282 Filed 9-30-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions, Decision-Notice

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 an 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 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 on or before November 14, 1980 (or, if the application later becomes unopposed) 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.

Notice.—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. OP2-054

Decided: September 22, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 8973 (Sub-75F), filed September 16, 1980. Applicant: METROPOLITAN TRUCKING, INC., 2424 956th St., North Bergen, NJ 07047. Representative: Morton E. Kiel, suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by manufacturing of lead products and batteries between Pootstown, PA, and Hammond, IN, on the one hand, and on the other, points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Hammond Lead Products, Inc.

MC 52932 (Sub-36F), filed September 16, 1980. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, PA 19446. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting *plastic artices*, between Nesquehoning, PA, and the facilities of Rancocas Valley Warehouse and Storage Co., at Mt. Holly, NJ.

MC 56082 (Sub-78F), filed September 17, 1980. Applicant: DAVIS & RANDALL, INC., 52 E. Main St., Fredonia, NY 14063.. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *castings and radiator components*, between Dundirk, NY, and Zanesville, OH.

MC 71652 (Sub-49F), filed September 16, 1980. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Representative: David J. Stewart (same address as applicant). Transporting *contruction materials and materials and supplies* used in the distribution of tile roofing, between Boise, ID, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT, WA, and WY.

MC 114632 (Sub-291F), filed September 15, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *foodstuffs, and materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, between Bridgeport, Memphis, and Imlay City, MI, Greenville, MS, and Millsboro, DE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 115162 (Sub-542F), filed September 17, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *iron and steel articles*, from Beaumont, TX, to points in the U.S., and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, in the reverse direction.

MC 135052 (Sub-31F), filed September 16, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *fabricated metal products*, between points in Shelby County, IN, on the one hand, and, on the other, points in the U.S.

MC 144982 (Sub-10F), filed September 16, 1980. Applicant: OHIO PACIFIC EXPRESS, INC., 683 East Broad St., Columbus, OH 43215. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *confectionery*, in vehicles equipped with mechanical refrigeration, from Bryan, OH, to Dallas and Houston, TX and points in CA, OR, and WA.

MC 145802 (Sub-6F), filed September 17, 1980. Applicant: RONALD E. REED, d.b.a. TRIPLE R. TRUCKING, RFD, Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *frozen bakery products*, from the facilities of Tennessee Doughnut Corporation, at Nashville, TN, to points in AL, CA, CO, CT, DE, FL, GA, IN, KY, LA, ME, MD, MA, MS, NC, NH, NJ, NY, OH, PA, RI, SC, VT, VA, WV, and DC.

MC 147932 (Sub-2F), filed September 15, 1980. Applicant: COWEN TRUCK LINE, INC., Rt. No. 2, Perrysville, OH 44864. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting (1) *General commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Ashland, Holmes, and Delaware Counties, OH, on the one hand, and, on the other, points in the U.S.; and (2) *such commodities* as are dealt in or used by manufacturers or distributors of household appliances, between North Canton, OH, Chicago, IL, Dallas, TX Atlanta, GA, Denver, CO, San Francisco and Los Angeles, CA, Jersey City, NJ, Kansas City, KS, and Minneapolis, MN on the one hand, and, on the other, points in the U.S.

MC 147942 (Sub-3F), filed September 17, 1980. Applicant: M & L TRUCK LINE, INC., P.O. Box 358, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front St. Station, 189 Jefferson Ave., Memphis, TN 38103. Transporting *food or kindred products*, as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in Fulton County, GA, Cook, Macon and Peoria Counties IL, Lim County, IA, DeSoto County, MS, Dallas and Tarrant Counties, TX, and KS.

MC 148423 (Sub-10F), filed September 16, 1980. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative: R. Napier Murphy, 700 Home Federal Bldg., Macon, GA 31201. Transporting (1)(a) *water and sewer pipe, electrical conduit, hydrants, and valves*, and (b) *parts and accessories* used in the construction, operation, repair, servicing, maintenance, and dismantling of water and sewer pipe and electrical conduit, from the facilities of DYKA, U.S.A., Inc., in Bibb County, GA, to points in AL, FL, KY, MD, MS, NC, SC, TN, VA, WV, and DC, and (2) *materials and supplies* except commodities in bulk, used in the manufacture of the commodities in (1) above, in the reverse direction.

MC 148592 (Sub-1F), filed September 11, 1980. Applicant: EUGENE REXER d.b.a. R. W. BASKERVILLE & CO., 138 Horton Avenue East, Winnipeg, Manitoba, Canada. Representative: George Orle, 5–175 Carlton St. Winnipeg, Manitoba Canada, R3C 3H9. In foreign commerce only, transporting *pickles*, in containers, in vehicles equipped with mechanical refrigeration, between Woodstock, IL, on the one hand, and on the other, the ports of entry on the international boundary line between the U.S. and Canada in ND and MN.

MC 148822 (Sub-4F), filed September 17, 1980. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *metal products*, and *materials, equipment, and supplies* used in the manufacture and distribution of metal products between points in the U.S., under continuing contract(s) with Alabama Metal Industries Corp., of Birmingham, AL.

MC 150242 (Sub-1F), filed September 15, 1980. Applicant: BRIAN-DAWN TRUCKING, INC., Box Tremont, IL 61568. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *dry fertilizer*, between points in Tazewell County, IL, on the one hand, and, on the other, points in IN.

MC 151263 (Sub-1F), filed September 15, 1980. Applicant: BARRINGTON HAULAGE COMPANY INCORPORATED, 300 Treble Cove Rd., Billerica, MA 01862. Representative: James R. Barrington (same address as applicant). Transporting *general commodities* (except commodities in bulk in tank vehicles), between points in CT, MA, ME, NH, RI, and VT, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI). Condition: To the extent any certificate issued in this proceedings authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 1151473 (Sub-1F), filed September 16, 1980. Applicant: THE B LINE, INC, 25 Adams St., Braintree, MA 02184. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) automotive lubricants, (b) anti-freeze compounds, and (c) electronic chemicals, between points in the U.S., under continuing contracts(s) with Admiral Petroleum, Inc., of Kingston, MA, and Commonwealth Chemical Corporation, of Lowell, MA.

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Decided: September 22, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Parker not participating.

MC 14454 (Sub-4F), filed September 8, 1980. Applicant: KIMBEL TRUCKING COMPANY, a Corporation, 920 South Sante Fe, Oklahoma City, OK 73109. Representative: E. E. Trumbull (same address as applicant). Transporting *oilfield equipment, materials, and supplies*, from points in KS, OK and TX, to points in CO, WY, AR, and LA.

MC 30844 (Sub-698F), filed September 9, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704. Transporting *anti-freeze compounds, deodorants, defoamers* and *chemicals* (except in bulk), from Chicago, IL, Portland, OR, and Garden Grove, CA, to points in the U.S.

MC 30844 (Sub-699F), filed September 9, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, 4616 East 67th St., Tulsa, OK 74121 Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005. Transporting *materials and supplies* used in the manufacture and distribution of women's sportswear, between points in Polk County, MO and points in Riverside County, CA.

MC 59625 (Sub-8F), filed September 11, 1980. Applicant: DELAWARE TRUCKING COMPANY, INC., P.O. Box 689, 301 West Seymour St., Muncie, IN 47305. Representative: Edward B. Sanderson, (same address as applicant). Transporting *general commodities,* between points in Adams, Allen, Blackford, Boone, Cass, Clinton, Decatur, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tipton, Union, Wabash, Wayne, and Wells Counties, IN, on the one hand, and, on the other, points in Allen, Auglaize, Lucas, Montgomery, Sandusky, Ottawa, and Wood Counties, OH, and Lenawee, Macomb, Oakland, Wayne, Washtenaw, Livingston, Monroe, Ingham, and Jackson Counties, MI. Condition: Any certificate issued for the transportation of classes A and B explosives shall be limited to 5 years from its date of issuance.

MC 106674 (Sub-502F), filed September 8, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *containers, and container closures,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) (except in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of The Continental Group, Inc.

MC 138635 (Sub-114F), filed September 9, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton, P.O. Box 3995, Gastonia, NC 28052. Transporting *electronic equipment, components, parts, and supplies,* between points in the U.S.

MC 151824F, filed September 9, 1980. Applicant: J. T. ROSS HAULING, INC., P.O. Box 552, Beach Road, West Haverstraw, NY 10993. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *Commodities which because of their size or weight require special handling or the use of special equipment,* between points in CT, NJ, and NY, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 130534 (Sub-1F), filed September 11, 1980. Applicant: BRENDON TOURS, a Corporation, 510 West 6th St., Los Angeles, CA 90014. Representative: Ronald K. Kolins, 420 International Square, 1875 Eye St, NW., Washington, DC 20006. As a *broker,* at Los Angeles, CA, in arranging for the transportation of *passengers and their baggage,* between points in the U.S. (including AK and HI).

Note.—Issuance of a broker is subject to prior or coincidental cancellation of Broker MC 130534F, served May 25, 1979, at applicant's written request.

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Decided: September 23, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 107744 (Sub-4F), 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 *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Los Angeles, Orange, Riverside, and San Bernardino Counties, CA. Condition: Issuance of a certificate in this proceeding is conditioned upon the prior or coincidental cancellation at applicant's written request of its certificate of registration in MC 107744 (Sub-3).

Note.—The purpose of this application is to convert its existing certificate of registration in MC 107744 (Sub-3) to a certificate of public convenience and necessity.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30283 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the parcticular portion of authority upon which it relies. Also the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–61

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 150444 (Sub-II-3TA), filed September 18, 1980. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA. 22043. Representative: Wayne Hartke (same as applicant). Contract, irregular: *Plastics and plastic articles, resins, and scrap plastic, (except in bulk), and materials, equipment and supplies used in the manufacture, sale, processing, distribution and installation of the aforesaid (except in bulk)* between Butler, Newark and Passaic, NJ, Hickory, NC, and Point Pleasant, WV, on the one hand, and, on the other, points in CO, FL, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, WI, WY for 270 days. An underlying ETA seeks 120 days

authority. Applicant intends to tack with authority held in MC 150444 II-R-1. Supporting shipper: Pantasote, Inc., 26 Jefferson St., Passaic, NJ 07055.

MC 145252 (Sub-II-1TA), filed September 18, 1980. Applicant: HENRY ANDERSEN, INC., P.O Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Wash., D.C. 20005. *Materials and supplies used in the manufacture and distribution of doors and chimney assemblies,* from MI, OH, WV and MD, to Fredericksburg, VA, and points in its commercial zone for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Products Company, Inc., Fredericksburg, VA 22401.

MC 6078 (Sub-II-1TA), filed September 18, 1980. Applicant: D. F. BAST, INC., 425 N. Maxwell St., Allentown, PA 18001. Representative: James F. Maher, 1200 Four Penn Center Plaza, Phila. PA 19103. *Iron and steel articles, and materials, equipment and supplies used in the manufacture of iron and steel articles,* between MI, MD, DE, PA, NJ, and NJ, for 270 days. Supporting Shipper: North Star Steel Co., 2901 Metro Dr., Minneapolis, MN 55420

MC 94265 (Sub-II-20TA), filed September 18, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Frozen foodstuffs from Fayette County, GA to points in KY, NC, VA and WV, for 270 days Supporting shipper: Simpson Provision Co., Inc., 280 N. Glynn St., Fayetteville, GA 30214.

MC 29510 (Sub-II-4TA), filed September 9, 1980. Applicant: EVANS TRANSPORTATION CO., 7800 Rt. No. 13, Levittown, PA 19057. Representative: Robert L. Evans (same as applicant). *Iron and steel articles, metal coated or uncoated equipment materials and supplies used in the manufacture thereof,* between Fairless Hills, Bucks County, PA and all points in the states of CT, MA, RI, NH, OH, IL, and return, for 270 days. Supporting shipper: Litho Strip Corp., 299 Canal Rd., Fairless Hills, PA 19030.

MC 151755 (Sub-II-1TA), filed September 18, 1980. Applicant: JOSEPH M. CAPRIOTTI d.b.a. HAZLETON LIMOUSINE SERVICE, 64 N. Church St., Hazleton, PA 18201. Representative: Richard M. Goldberg, Suite 700—United Penn Bank Bldg., Wilkes-Barre, PA 18701. *Passengers and their baggage in the same vehicle with passengers, limited to transportation of not more than 12 passengers in any one vehicle,* between points in Carbon, Luzerne, Schuylkill and Columbia Counties, PA, on the one hand, and, on the other, points in NY, NJ, DE, MD, DC, TN and FL, for 270 days. Supporting shipper(s): There are six supporting shippers statements attached to this application. Their statements may be examined at the Regional Office in Phila., PA.

MC 123293 (Sub-II-1TA), filed September 15, 1980. Applicant: FRY SALES AND EQUIPMENT CO., 3425 Simpson Ferry Rd., Camp Hill, PA 17011. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Contract, irregular—*Coal* from Preston, Marion, Monongalia, Taylor and Harrison Counties, WV and Greene County, PA to Martinsburg, WV, under a continuing contract(s) with Martin Marietta Corporation, for 270 days. Supporting shipper(s): Martin Marietta Corp., Martin Marietta Cement, P.O. Box 5618, Baltimore, MD 21210.

MC 151854 (Sub-II-1TA), filed September 15, 1980. Applicant: FOXTRAN INC., 400 Penn Center Blvd., Pittsburgh, PA. 15235. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. *Such commodities as are dealt in by retail and wholesale and food business houses and materials, equipment and supplies* used or useful in connection with the conduct of such business, between points in Butler and Westmoreland Counties, Pa., on the one hand, and, on the other, points in IN, MD, NJ, NY, OH and WV for 270 days. Supporting shippers: The Foodland International Corp., 400 Penn Center Blvd., Pittsburgh, PA 15235. Fox Grocery Co., 400 Penn Center Blvd., Pittsburgh, PA 15235.

MC 80653 (Sub-II-2TA), filed September 15, 1980. Applicant: DAVID GRAHAM COMPANY, Old Route 13, P.O. Box 254, Levittown, PA 19059. Representative: Lois T. Philipkosky (same address as applicant). *Machinery, equipment and supplies, used or useful in operation of a cement mill,* between Leamington, UT and points in the US (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Fuller Company, 2040 Ave. C, LVIP, Bethlehem, PA 18001.

MC 81908 (Sub-II-3TA), filed September 15, 1980. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, OH 45840. Representative: John L. Alden, Stiverson and Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *General commodities,* except commodities in bulk, between the facilities of Konalrad Products, Inc. at or near Pandora and Columbus Grove, OH, on the one hand, and on the other, points in the U.S. Supporting shipper(s): Konalrad Products, Inc., 501 S. Basinger Road, Pandora, OH 45877.

MC 140159 (Sub-II-4TA), filed September 17, 1980. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Cement clinker,* in dump vehicle, from Hagerstown, MD to Pittsburgh, PA, for 270 days. Supporting shipper(s): The Marquette Co., 2200 First American Center, Nashville, TN 37238.

MC 119315 (Sub-II-5TA), filed September 17, 1980. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Textile mill products,* between Haverhill, MA, on the one hand, and, on the other, Lucas County, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Textile Leather, Division of General Tire and Rubber Company, P.O. Box 4875, Toledo, OH 43612.

MC 128290 (Sub-II-3TA), filed September 17, 1980. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. (1) *Plastic articles* and (2) *Materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, between Chippewa Falls and Eau Claire, WI and Winchester, VA, on the one hand, and, on the other, points in the U.S. for 270 days. Restriction: Restricted to traffic originating at or destined to the facilities of Amoco Foam Products Co. Supporting shipper: Amoco Foam Products Co., 2111 Powers Ferry Rd. N.W., Atlanta, GA. An underlying ETA seeks authority for 120 days.

MC 65475 (Sub-II-6TA), filed September 17, 1980. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22304. *Fireplace coal (except in bulk),* between Hurricane (Putman County), WV, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: Candlerock Corporation of America, P.O. Box L, Stanaford, WV 25927.

MC 151707 (Sub-II-1TA), filed September 2, 1980. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., Wilmington, DE 19801. Representative: Dennis J. Kupchik (same as applicant). Contract, irregular: *Commodities as are dealt in and distributed by trading*

stamp companies, between Top Value Enterprises, its facilities, vendors, customers, and retail outlets and pts. in and east of MN, IA, MO, OK, and TX, for 270 days. Supporting shipper: Top Value Enterprises, Inc., 3085 Woodman Ave., Dayton, OH 45420.

MC 129124 (Sub-II-2TA), filed September 18, 1980. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Coal* from points at or near Shamokin and Weigh Scales, Northumberland County, PA to Camden, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Alla-Ohio Valley Coals, Inc., 1015 15th St., NW., Washington, DC 20005.

MC 147620 (Sub-II-1TA), filed September 18, 1980. Applicant: K. M. TRUCKING, INC., P.O. Box 254, Stephens City, VA 22655. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Apple products*, from Martinsburg, WV and Winchester, VA and their respective commercial zones, to points in TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National Fruit Products Company, P.O. Box 2040, Winchester, VA 22601.

MC 48948 (Sub-II-4TA), filed September 18, 1980. Applicant: THE HOCKING CARTAGE COMPANY, 28424 Chieftain Drive, Logan, OH 43138. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Clay products* from Caledonia and Morral, OH, to points in IL, IN, IA, KY, MI, MN, MO, PA, WV and WI. An underlying ETA seeks 120 days authority. Supporting shipper(s): Glen-Gery Corp., P.O. Box 548, 341 Mt. Vernon Ave., Marion, OH 43302.

MC 58549 (Sub-II-1TA), filed September 18, 1980. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby St. NE., P.O. Box 13727, Roanoke, VA 24036. Representative: Peter R. Gilbert, 1919 Pennsylvania Ave., NW., Suite 850, Washington, DC 20006. *General commodities (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring the use of special equipment)*, between pts. in NC, VA, and Greenbrier, Monroe, and Mercer Counties, WV and pts. in their commercial zones, for 270 days. Applicant intends to interline at various points in VA, NC, WV and points common to applicant and its interline connecting carriers. Supporting shippers: There are 89 supporting shippers. Their statements may be viewed at the ICC Regional Office at Phila., PA.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 128720 (Sub-3-10TA), filed September 15, 1980. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Dr., Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *General Commodities (except those of unusual value, classes A & B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment)*, between (1) Nashville, TN and its commercial zone on the one hand, and, on the other, Bowling Green, KY and its commercial zone, (2) between Louisville, KY and its commercial zone on the one hand, and, on the other, Bowling Green, KY and its commercial zone. Note: Applicant intends to tack with MC-128720 and interline at Nashville, TN and Louisville, KY. Supporting shipper(s): There are 21 statements in support of this application which may be examined at the I.C.C. Regional Office at Atlanta, GA.

MC 146646 (Sub-3-29TA), filed September 15, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Materials, supplies and accessories (except in bulk, in tank vehicles) used in the manufacture, assembly, and distribution of trailers, mobile homes, and recreational vehicles.* From points in the U.S. in and east of AR, IA, MN, MO, and TX to points in AL, AR, KS, MS, WI, TN, and IN. Supporting shipper: LaSalle, Deitch Co., Inc., P.O. Box 98, Elkhart, IN 46515.

MC 144790 (Sub-3-3TA), filed September 15, 1980. Applicant: HOWARD HERLEE LISK, d.b.a. HOWARD LISK, Route 1, Box 166, Wadesboro, NC 28170. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Sand and gravel, in bags, and in bulk*, from points in Richmond County, NC, to points in FL. Supporting shipper: Southern Products & Silica Company, Inc., P.O. Box 189, Hoffman, NC 28347.

MC 146451 (Sub-3-21TA), filed September 15, 1980. Applicant: WHATLEY-WHITE INC., 230 Ross Clark Circle, NE, Dothan, AL 36302. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36197. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)*, between the facilities utilized by American Cyanamid Company, its subsidiaries and affiliates, on the one hand, and, on the other hand, all points in the U.S. Supporting shipper: American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470.

MC 144082 (Sub-3-9TA), filed September 16, 1980. Applicant: DIST/TRANS MULTI-SERVICES, INC. d.b.a., TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same address as above). *Contract carrier*, irregular routes; *Footwear and/or boots and shoes NOI*, between points in GA, NC, SC, IN, and NJ, restricted to service performed under a continuing contract or contracts with Meldisco of Hackensack, NJ. Supporting shipper: Meldisco-Division of Melville Corp. of Hackensack, NJ.

MC 151858 (Sub-3-1TA), filed September 16, 1980. Applicant: RAY E. DELLINGER d.b.a. DELL RAY TRUCKING, Route 4, Box 161A, Conover, NC 28613. Representative: Ray E. Dellinger (same address as applicant). *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, (1) between Boston, MA, New York City, NY, Philadelphia, PA and their commercial zones, on the one hand and Charlotte, NC and its commercial zone, on the other; (2) from Los Angeles, CA and its commercial zone to Atlanta, GA and Charlotte, NC and their commercial zones; and (3) from Charlotte, NC and its commercial zone to points in NV, NM, AZ, and CA. Restricted to freight originating at or destined to facilities of Charlotte Freight Association. Supporting shipper: Charlotte Freight Association, P.O. Box 8825, Charlotte, NC 28208.

MC 138635 (Sub-3-9TA), filed September 16, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (address same as applicant). *Electronic equipment, components, parts, and supplies including television, videotape systems, cameras, film cartridges, record players, recorders, radios, furniture (metal and wood) (KD and complete) relating to cabinetry and/or the storage and warehousing of the above* between points in the U.S. Supporting shipper: AKAI America, Ltd., 1139 E. Del Amo Blvd, Compton, CA 90224.

MC 151832 (Sub-3–2TA), filed September 16, 1980. Applicant: RODGERS CONSTRUCTION, INC. of Nashville, TN., P.O. Box 17387, Nashville, TN 37217. Representative: Joe B. Enloe (address same as applicant). *Machinery and supplies* between points in AL, AR, FL, GA, IA, IL, IN, KY, LA, MO, MS, NC, SC, TN, TX, VA, & WV. Supporting shipper: Central Tennessee Equipment Company, 522B 39th Avenue North, Nashville, TN 37209.

MC 123872 (Sub-3–5TA), filed September 15, 1980. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (address same as applicant). *(1) Man-made synthetic, staples fiber & yarn and nonwoven fabrics, and (2) materials and supplies used in the manufacturing of items listed in (1) above (except commodities in bulk)* between Spartanburg, Seneca, and Startex, SC and Rocky Mount, NC, on the one hand, and, on the other, points in IL, WI, MN, IA, MO, TX, OK, KS, ME, SD, ND, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, CA. Supporting shipper: Phillips Fiber Corp., P.O. Box 666, Startex, SC 29377.

MC 125037 (Sub-3–4), filed September 12, 1980. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. *Paper, allied products and printed matter,* between Eutaw, AL on the one hand, and, on the other, all points in the United States. Supporting shipper: Winchester Carton Corporation, P.O. Box 597, Eutaw, AL 35462.

MC 143008 (Sub-3–2TA), filed September 15, 1980. Applicant: ITG TRUCKING COMPANY, INC., P.O. Box 2823, Jacksonville, FL 32203. Representative: Sol H. Procter, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract carrier,* irregular route *Cigars,* from Dothan, AL to Los Angeles and Oakland, CA. Supporting shipper: Jno H. Swisher & Son, Inc., P.O. Box 2230, Jacksonville, FL 32203.

MC 136123 (Sub-3–9TA), filed September 15, 1980. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley, (address same as applicant). *Printed materials, parts, materials and supplies used in the manufacturer and publication of printed materials,* between St. Petersburg, FL and points in and east of ND, SD, NE, KS, OK, and TX, for the account of Modern Graphic Arts, Inc. of St. Petersburg, FL. Supporting shipper: Modern Graphia Arts, Inc., P.O. Box 12827, St. Petersburg, FL 33733.

MC 151293 (Sub-3–1TA), filed September 12, 1980. Applicant: HUTCHENS TRUCKING CO., INC., 615 Rosann Dr., Winston-Salem, NC 27107. Representative: B. G. Martin, 1979 Beach St., Winston-Salem, NC 27103. *Contract carrier;* irregular route; *Electrical controllers and parts, transformers, switch gear equipment, appliances and electrical switches, breakers and parts (except bulk)* between Winston-Salem NC, and its commercial zone, on the one hand, and, on the other, points in NC, SC, GA, FL, LA, AR, TN, MO, IA, WI, IL, IN, MI, KY, WV, OH, PA, MD, NJ, and VA, restricted to traffic originating at or destined to the facilities of General Electric Company. Supporting shipper: General Electric Company, 2000 Taylor St., Fort Wayne, IN 46804.

MC 138308 (Sub-3–15TA), filed September 12, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *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 Chicago, IL, New York, NY, and Canton and Marion, OH, on the one hand, and, on the other, Columbus, OH, restricted to traffic moving for members of the Central Ohio Shippers. Supporting shipper: Central Ohio Shippers, P.O. Box 2622, Columbus, OH 43216.

MC 144082 (Sub-3–11TA), filed August 26, 1980. Applicant: DIST/TRANS MULTI-SERVICES, INC. d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same as above). *Contract carrier,* irregular routes, *Such commodities as machine parts, supplies, material handling implements, and machines,* between all points in the United States and Wrenn Brothers, Inc. facilities and customer locations in the states of GA, TN, NC, SC, VA, WV, and KY, restricted to service performed under a continuing contract or contracts with Wrenn Brothers, Inc. Supporting shipper: Wrenn Brothers, Inc., 901 Westinghouse Boulevard, Charlotte, NC.

MC 115162 (Sub-3–12TA), filed September 12, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). *Air conditioning equipment, furnaces, and component parts and accessories thereof and materials, equipment and supplies utilized in the manufacture, sale and distribution of said commodities* between points in Warren, Davidson, and Rutherford Counties, TN on the one hand, and, on the other, points in the U.S. in and east of the states of ND, SD, NE, KS, OK, and TX. Supporting shipper: Carrier Air Conditioning Group; Divisions of Carrier Corporation; P.O. Box 4808; Carrier Parkway; Syracuse, NY 13221.

MC 151859 (Sub-3–1TA), filed September 15, 1980. Applicant: P.B.M. COACHES, INC., 1010 6th Ave. South, Lake Worth, Florida 33460. Representative: G. R. Burress (same address as applicant). *Passengers and baggage in charter service and or special operations,* from Palm Beach County, FL, to GA, TN, LA, SC, NC. Supporting shippers: Tippett Travel, 1661 South Congress Ave., West Palm Beach, FL 33406. Allure Travel, 14466 South Military Trail, Delray Beach, FL 33444. International Travel, 300 10th Street, Suite 2, Lake Park, FL 33403.

MC 56679 (Sub-3–21TA), filed September 15, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: David L. Capps (same address as applicant). *(1) Boxes, containers, bottle or can carrying crates, or container carriers, (2) Supplies, material and equipment used in the manufacture, sale or disribution of commodities in (1) above,* between Hamilton County, TN, on the one hand, and, on the other, points in MN, NY and PA. Supporting shipper: Cumberland Corp., Chattanooga, TN 37401.

MC 77972 (Sub-3–4TA), filed September 12, 1980. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Common carrier:* regular: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment* (1) Between Dallas, TX and Jackson, MS over U.S. Hwy. 80 and Interstate 20, serving all intermediate points and (2) between the AL–GA State Line and Atlanta, GA over Interstate 20, serving all intermediate points in GA. Supporting shippers: There are 83 statements of supports attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

Note.—Applicant intends to tack authority sought with existing authority and to interline with other carriers at Jackson, Meridian, and Osyka, MS; Memphis, TN; Birmingham, AL; Atlanta, GA and Dallas, TX. Applicant seeks to serve the commercial zones of all cities on the above routes.

MC 120981 (Sub-3-1TA), filed September 15, 1980. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, Tennessee 37210. Representative: George M. Catlett, Suite 708, McClure Building, Frankfort, Kentucky 40601. *Common carrier;* regular: *General commodities (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment),* (1) Between Shelbyville, KY, and Frankfort, KY; from Shelbyville, KY, over U.S. Hwy. 60 to Frankfort, KY, and return over the same route serving no intermediate points, (2) Between Lexington, KY, and Mt. Sterling, KY; from Lexington, KY, over U.S. Hwy. 60 to Mt. Sterling and return over the same route serving all intermediate points; (3) Between Lexington, KY, and Berea, KY; from Lexington, KY, over U.S. Hwy. 25 to Berea, KY, and return over the same route serving all intermediate points. Applicant proposes to serve the commercial zones of all points and of all intermediate points; to tack the authority sought herein with applicant's existing authority at Frankfort, KY, and Lexington, KY, and to interchange with other carriers at Frankfort, Lexington, and Danville, KY, Nashville, TN, Jackson, MS, Montgomery and Mobile, AL, Baton Rouge, LA, Houston and Dallas, TX. Supporting shippers: There are 34 statements of support which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 151857 (Sub-3-1TA), filed September 15, 1980. Applicant: HARLIS R. ELLINGTON CONSTRUCTION, INC., State Road 100 West, Lake Butler, FL 32054. Representative: Dan R. Schwartz, 3100 University Blvd. S., Suite 225, Jacksonville, FL 32216. *Contract carrier,* irregular routes, *Lumber,* between Lake Butler, FL, on the one hand, and, on the other, points in AL, FL, GA, and SC, under continuing contract(s) with Lake Butler Sawmill of Owens Illinois, Inc. of Lake Butler, FL.

MC 145808 (Sub-3-2TA), filed September 16, 1980. Applicant: RED ARROW DELIVER SERVICE CO., INC., Air Cargo Building, Metropolitan Airport, Nashville, TN 37217. Representative: Peter A. Greene, Thompson, Hine and Flory, 900 17th Street, N.W., Washington, D.C. 20006. *Printed matter,* between Jonesboro, AR and Nashville, TN. Supporting shipper: Newsweek, Inc. c/o W. A. Kruger Co., Kruger Drive, Jonesboro, AR 72401.

MC 120910 (Sub-3-7TA), filed September 15, 1980. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. (1) *Pipe, pipe fittings, castings, valve boxes, meter boxes, hydrants, valves, rubber products and accessories;* (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) between Obion County, TN, on the one hand, and, on the other, all points in the United States (except AK and HI).

MC 148822 (Sub-3-3TA), filed September 15, 1980. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Avenue, Fairfield, Alabama 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, Alabama 35203. *Contract carrier irregular routes primary metal products, fabricated metal products and materials, equipment and supplies used in the manufacture thereof* between Birmingham, AL and Greenville, SC, on the one hand, and, on the other, all points in the states of TX, LA, MS, AL, FL, GA, NC, SC, MD, PA, NJ, NY, MA, CT, OH, MI, TN and KY under continuing contract with Alabama Metal Industries Corp.

MC 145760 (Sub-3-4TA), filed September 15, 1980. Applicant: JOHNSON TRANSPORTATION CO., 1327 Highway 13 North, Columbia, MS 39439. Representative: Fred W. Johnson, Jr., 236 East Capital St., P.O. Box 22807, Jackson, MS 39205. *Air-conditioning equipment, furnaces and component parts and accessories thereof and materials, equipment and supplies used in the manufacture, sale and distribution of said commodities* between Warren, Davidson and Rutherford Counties, TN, on the one hand, and, on the other, points in the States of AL, GA, FL, LA, MS and TX. Supporting shipper: Carrier Air Conditioning Group, Division of Carrier Corporation, P.O. Box 4808, Carrier Parkway, Syracuse, NY 13211.

MC 143304 (Sub-3-1TA), filed September 15, 1980. Applicant: BOBBY JOE BUSH, d.b.a. AAA MOBILE HOME MOVERS, P.O. Box 569, Theodore, AL 36582. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36197. *Buildings building sections and modules, mobile homes, and related commodities, parts and accessories thereto,* between all points and places in AL, TN, GA, FL, MS and LA. There are 12 supporting statements which may be examined at the ICC Regional Office, Atlanta, GA.

MC 126195 (Sub-3-1), filed September 15, 1980. Applicant: COLEY MOVING & STORAGE, INC., Industry Drive, P.O. Box 941, Burlington, NC 27215. Representative: Carl B. Coley (same address as applicant). *Contract carrier,* irregular route, *toilet prep-compounds, waxes, polishes, brushes* and *premiums of general merchandise such as irons, blankets, similar gifts,* from Burlington, NC to points in NC in counties of Chesterfield, Marlboro, Marion, Dillion and Horry, SC, under a continuing contract with Stanley Home Products Company, Westfield, MA. Supporting shipper: Stanley Home Products, Inc., Richmond, VA 23228.

MC 145855 (Sub-3-2), filed September 15, 1980. Applicant: JOHN RAY TRUCKING, INC., P.O. Box 206, Eastaboga, AL 35260. Representative: John W. Copper, Attorney at Law, 634 Woodward Building, 1927 First Avenue North, Birmingham, AL 35203. *Contract carrier,* irregular route, (1) *pipe and fittings, water work supplies* and *sewage treatment facilities* from Thomasville, GA, to all points in the US, except AK and HI. (2) *Materials, equipment and supplies, except commodities in bulk, used in the manufacture and shipping thereof,* from destination points to Thomasville, GA under a continuing contract with Davis Water & Waste Industries, Inc. Supporting shipper: Davis Water and Waste Industries, Inc., Thomasville, GA.

MC 75840 (Sub-3-10TA), filed September 16, 1980. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. *Iron and steel and iron and steel articles,* between the facilities of American Seamless Tubing, Inc., in or near Baltimore County, MD, on the one hand, and, on the other, points in TX, WV and IN. Supporting shipper: American Seamless Tubing, Inc., 1920 Benhill Ave., Baltimore, MD, 21226.

MC 120910 (Sub-3-6TA), filed September 16, 1980. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard L. Davis (address same as applicant). (1) *Iron and steel products including wire, hose, bead, wire, brush wire; rubber products; and (2) materials, equipment and supplies used in the manufacture, installation and distribution of commodities in the part* (1) between Shelby and Talladega Counties, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): National Standard Company, 104 Industrial Parkway, Columbiana, AL 35051.

MC 138308 (Sub-3-14TA), filed September 15, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208.

Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205 (1). *Such commodities* as are dealt or used by wholesale and retail and department stores; and, (2) *materials, equipment and supplies* used in the conduct of such businesses (except commodities in bulk) from points in the U.S. (except AK and HI) to the Facilities of Baddour, Inc. at or near Memphis, TN. Supporting shipper: Baddour, Inc., 4300 Getwell Road, Memphis, TN.

MC 115841 (Sub-3-22TA), filed September 15, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as applicant). *Foodstuffs (exept commodities in bulk),* from Atlanta, GA and its Commercial Zone to points in the US in and east of MN, IA, NE, KS, OK and TX. Restricted to traffic originating at the facilities utilized by Alex Xlnt Foods, Inc. Supporting shipper: Alex Xlnt Foods, Inc., 2750 E. 50th Street, Vernon, CA.

MC 151559 (Sub-3-1TA), filed September 15, 1980. Applicant: THE GRAY ROCK FARM, INC., Route 12, Box 143, Statesville, NC 28677. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Contract carrier* irregular routes *New furniture* from Taylorsville, NC to points in CT, MA, MI, NJ, NY, OH and PA, under contract with Lewittes Furnitures Enterprises, Inc., of Taylorsville, NC. Supporting shipper: Lewittes Furniture Enterprises, Inc., P.O. Box 1027, Taylorsville, NC 28681.

MC 146780 (Sub-3-1TA), filed September 15, 1980. Applicant: MABE BROTHERS ENTERPRISES, INC., 5591 Williams Rd., Norcross, GA 30093. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Contract carrier* Irregular routes *Paper and paper products; plastic and plastic products,* between points in the US (except AK and HI), under continuing contract or contracts with Rock-Tenn Company of Norcross, GA. Supporting shipper: Rock-Tenn Company of Norcross, GA, 450 Thrasher St., Norcross, GA 30071.

MC 148490 (Sub-3-6TA), filed September 11, 1980. Applicant: C. & N. EVANS TRUCKING COMPANY, INC., R.F.D. 2, Box 39E, Stoneville, NC 27048. Representative: Clarence B. Evans (same as applicant). *Malt beverages and materials, supplies, and equipment used in the manufacture, sale, and distribution of malt beverages,* between points in and east of the Mississippi River to include MN, IA, MO, KS, NE, OK, LA, AR, TX. Supporting shipper: Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53201.

MC 47171 (Sub-3-7TA), filed September 16, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *General commodities, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment;* from Greensboro, Salisbury, and Haw River, NC to points in MD, DE, NJ, PA, NY, MA, CT, and RI. Supporting shipper: Cone Mills Corporation, 1201 Maple Street, Greensboro, NC 27405.

MC 151847 (Sub-3-1TA), filed September 15, 1980. Applicant: J. P. HAMILTON JR., P.O. Bos 832, Denton, NC 27239. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *(1)-Pre cut log houses and buildings; accesories used in the erection of precut log houses and buildings; lumber; and materials. supplies, and equipment used in the production, sale, and distribution of pre cut log houses and buildings,* between points in Rowan County, NC, on the one hand, and, on the other, points in the United States, except AK and HI, (2) *Lumber,* between points in Davidson County, NC, on the one hand, and, on the other, points in GA, OH, SC, TN, VA, and WV, (3) *Stone and stone products, materials supplies and equipment used in the production, sale and distribution of stone and stone products,* between points in Davidson County, NC, on the one hand, and, on the other, points in the United States, except AK and HI, for 270 days. Supporting shipper: Gold Hill Lumber Co. Inc., Route 1, Gold Hill, NC 28071, Dimesion Milling Company Inc, P.O. Box 171, Denton, NC 27239, Jocob's Creek Stone Co., Inc., P.O. Box 608, Denton, NC 27239.

MC 95540 (Sub-3-19TA), filed September 15, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Paul E. Weaver (same address as applicant). *Thread and related sewing articles;* from Doraville and Albany, GA to Chicago, IL and its Commercial Zone and Aurora, IL. Supporting shipper: Coats & Clark's Sales Corp., 2915 NE Parkway, Doraville, GA 30360.

MC 151095 (Sub-3-2TA), filed September 15, 1980. Applicant: BLUE & WHITE EXPRESS, INC., Route 1, Box 27BD, Richmond, KY 40475. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Malt beverages in containers and emply malt beverage containers,* (1) Between Cincinnati, OH; Milwaukee, WI; Peoria, IL; Evansville, IN and Perry, GA, on the one hand, and, on the other, Richmond, KY, (2) Between Detroit, MI, on the one hand, and, on the other, Lexington and Winchester, KY. Supporting shippers: Madison & Clark County Distributing Company, Inc., 6 Jefferson St., Winchester, KY 40391, Ideal of Kentucky, Inc., 1200 Russell Cave Road, Lexington, KY 40505, City Distrubuting Company, 816 Heath Street, Richmond, KY, Richmond Bottling Works, Inc., 620 E. Irvine St., Richmond, KY 40475.

MC 107515 (Sub-3-69TA), filed September 15, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Anti-Freeze (except in bulk)* from Alsip and Chicago, IL to all points in the US (except AK and HI). Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York. NY 10017.

MC 1115654 (Sub-2-23TA), filed September 15, 1980. Applicant: TENNESSEE CARTIAGE CO., INC., P.O. Box 23193, Nashville, TN 32702. Representative: Jackie L. Hastings (same address as applicant). *Drugs, medicines, toilet preparations, and health care items,* from the facilities of William H. Rorer, Inc., at Atlanta, GA, to points in AL, MS, and TN. Supporting shipper: William H. Rorer, Inc., 500 Virginia Drive, Fort Washington, PA 19034.

MC 138956 (Sub-3-3TA), filed September 15, 1980. Applicant: ERGON TRUCKING, INC., 202 East Pearl Street, Jackson, MS 39201. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *Coal slag and mineral grit* between Harvey, LA on the one hand, and, on the other, points in MS and TX. Supporting shipper: Stan-Blast Abrasives Company, Inc., P.O. Box 968, Harvey, LA 70095.

MC 115841 (Sub-3-19TA), filed September 12, 1980. Applicant: COLONIAL REGRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same address as applicant). *Garden tractors, attachments for garden tractors, recreational vehicles, lawn tractors, tillers, chain saws, lawn mowers, grills, small combustible engines, tool kits, tires, and parts and accessories for all of the above,* between the facilities utilized by Roper Corporation, located at or near Bradley, IL; Williamsburg, KY; Orangeburg, SC; Nogales, AZ; Swainsboro and McRae, GA; New Holstein, Milwaukee and

West Allis, WI; Raleigh, NC and Ft. Lauderdale, FL, on the one hand, and, on the other, points in AZ, GA, IL, IN, MI, NY, OH, PA, SC, TX, KY, WI, FL, MO, and NC. Supporting shipper: Roper Corporation, Broadway and Schuyler Avenue, Bradley, IL 60915.

MC 142835 (Sub-3-5TA), filed September 16, 1980. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Foodstuffs,* from Memphis, TN to points in the U.S. (except AK and HI). Supporting shipper: Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 150072 (Sub-3-3TA), filed September 15, 1980. Applicant: DEWEY ENTERPRISES, INC., 3320 New So. Province Blvd., Fort Myers, FL 33907. Representative: Leonard E. Mondschein, Esq., Mondschein and Mondschein, P.A., Suite 108, 1515 N.W. 7th Street, Miami, FL 33125. *Contract, irregular: Malt beverages, wine, and advertising materials,* from Westfield. NY, Norfolk, VA, and Trenton, NJ, to the facilities of Cronin Distributors at Fort Myers, FL. Supporting shipper: Cronin Distributors, 3544 Work Drive, Fort Myers, FL 33901.

MC 115841 (Sub-3-20TA), filed September 12, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as applicant). *Chemicals, and cleaning and sanitation materials, equipment and supplies (except commodities in bulk),* between the facilities utilized by Zep Manufacturing Company, located at or near Atlanta, GA; Albuquerque, NM; Chicago, IL; Cleveland, OH; Dallas, TX; Denver, CO; Detroit, MI; Houston, TX; Kansas City, KS/MO; Los Angeles, CA; Pittsburgh, PA; Santa Clara, CA; St. Louis, MO; St. Paul, MN; Washington, DC and Oklahoma City, OK. Supporting shipper: Zep Manufacturing Company, 1310 Seaboard Industrial Boulevard, Atlanta, GA.

MC 115841 (Sub-3-21TA), filed September 12, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as applicant). *Lawn and patio furniture, aluminum step and extension ladders, and parts and accessories thereof,* between the facilities utilized by Lawnlite Company, located at or near Portland, TN; Miami, FL and Los Angeles, CA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Lawnlite Company, Victor Reiter Parkway, Portland, TN 37148.

MC 146646 (Sub-3-28TA), filed September 15, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A., Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Air Conditioning and Heating Equipment and Parts.* Between the facilities of Martin Industries located at or near Americus, GA and points in the U.S. (except AK and HI). Supporting shipper: Martin Industries, Matthew Drive, Americus, GA 31709.

MC 128095 (Sub-3-3TA), filed September 15, 1980. Applicant: IBCO TRUCK LINE, INC., Senter Drive (P.O. Box 1402), Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. *New office furniture* from Borden and Jasper, IN and Fordsville, KY to points in AL, AR, LA, MS, and TN. Supporting shipper: Kimball International, P.O. Box 460, Jasper, IN.

MC 140389 (Sub-3-17TA), filed September 15, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. *Foodstuffs, except in bulk,* from the facilities of or used by Ragu Foods, Inc., at or near Atlanta, GA, to points in AL, FL, and SC.. Supporting shipper(s): Ragu Foods, Inc., 33 Benedict Pl., Greenwich, CT 06830.

MC 148822 (Sub-3-2TA), filed September 15, 1980. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Avenue, Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Contract carrier,* irregular routes: *Office furniture, office furniture parts and accessories and materials, equipment and supplies* between points in the U.S. Supporting shipper: United Chair Company, Division of U.S. Industries, Inc., P.O. Box 96, Leeds, AL 35094.

MC 149460 (Sub-3-1TA), filed September 15, 1980. Applicant: PLANT EQUIPMENT LEASING CO., INC., d.b.a. PELCO, 640 Hamilton Ave., Nashville, TN 37203. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *General commodities (except household goods as defined by the Commission and Classes A & B explosives)* between points in Davidson, Giles, Lawrence, Marshall, Maury and Shelby counties, TN, DeSoto County, MS, Crittenden County, AR, Christian, Todd and Trigg counties, KY, and Colbert, Franklin, Lauderdale and Lawrence counties, AL, on the one hand, and on the other, points in the U.S. There are 39 supporting shipper statements attached to this application. Applicant proposes to interline at Nashville and Memphis, TN and Florence, AL.

MC 61264 (Sub-3-3TA), filed September 12, 1980. Applicant: PILOT FREIGHT CARRIERS, INC., a North Carolina Corporation, P.O. Box 615, Winston-Salem, NC 27102. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Rd., Alexandria, VA 22312. *Common* carrier; regular routes; *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious and contaminating to other lading),* (1) between Cleveland, OH and Norton, VA: from Cleveland over Interstate Highway 71 to Columbus, OH, then over US Highway 23 to Norton, and return over the same route; (2) Between Cleveland, OH and Ewing, VA: from Cleveland over US Highway 42 to junction Interstate Highway 75, then over Interstate Highway 75 to junction US Highway 25E, then over US Highway 25E to junction US Highway 58, then over US Highway 58 to Ewing, and return over the same route; (3) Between Cleveland, OH and Wytheville, VA: From Cleveland over Interstate Highway 77 to Wytheville, and return over the same route; (4) between Cleveland, OH and Akron, OH: From Cleveland over OH Highway 8 to Akron, and return over the same route; (5) Between Elyria, OH and Washington, DC: From Elyria over Interstate Highway 80 to junction Interstate Highway 76, then over Interstate Highway 76 to junction Interstate Highway 70, then over Interstate Highway 70 to junction Interstate Highway 270, then over Interstate Highway 270 to Washington, and return over the same route; (6) Between Lodi, OH and junction Interstate Highway 76 and Interstate Highway 80: From Lodi over US Highway 224 to junction Interstate Highway 76, then over Interstate Highway 76 to junction Interstate Highway 80, and return over the same route; (7) Between Princeton, WV and Dublin, VA: From Princeton over US Highway 460 to Pearisburg, VA, then over VA Highway 100 to Dublin, and return over the same route; (8) Between Charleston, WV and Lexington, VA: From Charleston over US Highway 60 to Lexington, and return over the same route; (9) Between Cleveland, OH and Washington, DC: From Cleveland over OH Highway 14 to junction OH

Highway 14A, then over OH Highway 14A to Salem, OH, then over OH Highway 45 to West Point, OH, then over US Highway 30 to Breezewood, PA, then over Interstate Highway 70 to Hancock, MD, then over US Highway 522 to Winchester, VA, then over US Highway 50 to Washington, and return over the same route; (10) Between Cleveland, OH and Staunton, VA: From Cleveland over OH Highway 21 to junction Interstate Highway 77, then over Interstate Highway 77 to junction US Highway 250, then over US Highway 250 to Staunton, and return over the same route; (11) Between Bellaire, OH and Washington, PA: From Bellaire over Interstate Highway 70 to Washington, and return over the same route; (12) Between junction Interstate Highway 70 and Interstate Highway 79 and junction Interstate Highway 79 and US Highway 250: From junction Interstate Highway 70 over Interstate Highway 79 to junction US Highway 250, and return over the same route; (13) Between junction Interstate Highway 79 and US Highway 48 and junction US Highway 48 and US Highway 40: From junction Interstate Highway 79 over US Highway 48 to junction US Highway 40, and return over the same route; (14) Between Massillon, OH and Baltimore, MD: From Massillon over US Highway 30 to junction Interstate Highway 79, then over Interstate Highway 79 to junction US Highway 40, then over US Highway 40 to Baltimore, and return over the same route; (15) Between Salem, OH and Uniontown, PA: From Salem over OH Highway 14 to junction PA Highway 51, then over PA Highway 51 to junction PA Highway 60, then over PA Highway 60 to junction RA Highway 51, then over PA Highway 51 to Uniontown, and return over the same route; (16) Between Parkersburg, WV and Winchester, VA: From Parkersburg over US Highway 50 to Winchester, and return over the same route. Serving all intermediate points and Commercial Zones thereof on the above routes and serving as off route points all points in Lake, Geauga, Portage, Stark, Summit, Cuyahoga, Lorain, Medina and Wayne Counties, Ohio and Virginia, and all points in the Commercial Zones of such off route points in connection with carrier's operations over the above routes.

Note.—Applicant intends to tack the above with its existing authorities under Docket MC 61264 and Subs and to interline with other carriers at Akron, Canton, OH, Cleveland, and Richmond, OH, Baltimore, MD, Washington, D.C., Boonton, NJ Edison, Hammonton, Highstown, Moonachie, Mt. Holly, North Bergen, Phillipsburg, Trenton, and Vineland, NJ, Allentown, Kutztown, Harrisburg, Hummels Wharf, Philadelphia, Reading, Wilkes-Barre, & Williamsport, and York, PA, Chesapeake, Lynchburg, Martinsville, Norfolk, Pulaski, Richmond, and Roanoke, VA. There are 38 statements in support to this application which may be examined at the ICC Regional office in Atlanta, GA.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 147987 (Sub-6-1TA), filed September 18, 1980. Applicant: A & W TRUCKING 1975 LTD., 330 Edworthy Way, New Westminster, B.C., Canada V3L 5G5. Representative: L. D. Butler (same as applicant). *Contract:* Irregular: *wire and wire products* between ports of entry on the International Boundary line between the U.S. and Canada located in WA and points in WA, for the account of Tree Island Steel; *iron, steel and lumber* from ports of entry U.S. and Canada in WA to WA and OR for Tudor Sales Ltd; and *waste paper for recycling* from points in WA to points on the International Boundary line between the U.S. and Canada in WA for the account of Community Paper Recycling Ltd., for 270 days. Supporting shippers: Tree Island Steel, 3933 Boundary Road, Richmond, B.C., CD; Tudor Sales, Ltd., 8449 Main St., Vancouver, B.C.; and Community Paper Recycling Ltd., Foot of Wiggins, Burnaby, B.C.

MC 148135 (Sub-6-1TA), filed September 17, 1980. Applicant: C. C. CASTOR, 64 Danridge Ct., Antioch, CA 94509. Representative: Thomas M. Loughran, Loughran & Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. *Contract carrier* irregular routes, transporting *gypsum wallboard* from Sigurd, UT to Elk Grove, CA, for 270 days. Supporting shipper: Capp Homes, a Division of Evans Products, 10547 Stockton Blvd., Elk Grove, CA 95624.

MC 151906 (Sub-6-1TA), filed September 18, 1980. Applicant: COMMERCIAL TRANSFER MOVING & STORAGE CO., 901 East Glendale Ave., Sparks, NV 89431. Representative: Glade L. Hall, 777 West Second St., Suite 250, Reno, NV 89503. *Contract Carrier,* Irregular routes: *General Commodities,* between points and places in Washoe County, NV, on the one hand, and, on the other, points and places in CA, OR, WA and NV, for 270 days. Supporting shipper: Pacific Freeport Warehouse Co., P.O. Box 607, Sparks, NV 89431.

MC 143259 (Sub-6-1TA), filed September 18, 1980. Applicant: TOM DURKIN TRUCKING, 36 East Chestnut, Walla Walla, WA 99362. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Contract carrier* Irregular routes: *Floor coverings—vinyl, rubber, tile and linoleum and related articles; and raw materials—resins and related articles for the manufacture of floor coverings,* between Miami, FL and all states except UT, OR, ID and WA, for 270 days. Supporting shipper: Biscayne Decorative Products, 3350 NW 112th Street, Miami, FL 33167.

MC 124679 (Sub-6-29TA), filed September 18, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant). *Medical supplies, disposable, and those commodities used in the manufacture and distribution of medical supplies,* between points in UT and points in the United States, except AK and HI, restricted to traffic originating at or destined to the facilities for the Deseret Company for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, NJ.

Note.—Applicant holds motor contract carrier authority in number MC-128813 and sub numbers thereunder, therefore dual operations may be involved.

MC 151923 (Sub-6-1TA), filed September 22, 1980. Applicant: FELDSTEIN REFRIGERATED SERVICE, P.O. Box 1133, Indio, CA 92202. Representative: Jerry Feldstein (same as applicant). *Contract Carrier,* Irregular Routes: *Canned Foodstuffs and Canned Pet Food,* from Oakland and San Diego, CA to points in AZ, for 270 days. Under continuing contracts with Castle and Cooke Foods. Supporting shipper: Castle and Cooke Foods, P.O. Box 3928, San Francisco, CA 94119.

MC 151905 (Sub-6-1TA), filed September 17, 1980. Applicant: FREHNER WHOLESALE, 1208 Taylor, Las Vegas, NV 89030. Representative: Robert G. Harrison, 4299 James Driver, Carson City, NV 89701. *Crushed Automobiles, and Ferrous and Non-ferrous Scrap Metal* for recycling, between points in Clark County, NV, and points in Riverside and Los Angeles Counties, CA., for 270 days. Supporting shipper: Luria Bros Inc., 5850 N. Nellis (P.O. Box 15430), Las Vegas, NV 89114.

MC 109689 (Sub-6-9TA), filed September 18, 1980. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, No. 400, Salt Lake City, UT 84101. *Sodium Chlorate,* in bulk, from Henderson, NV to CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Kerr-McGee Chemical Corporation, P.O. Box 55, Henderson, NV 89015.

MC 151922 (Sub-6-1TA), filed September 22, 1980. Applicant: HIGH SIERRA EXPRESS, INC., 1235 Southern Way, Sparks, NV 89431. Representative: Michael W. Dyer, 527 East Moana Lane, Reno, NV 89515. (1) *General commodities, except commodities in bulk, articles of unusual value, household goods as defined by the Interstate Commerce Commisson, liquid products in tank vehicles, and Class A explosives* between Washoe County, NV, on the one hand, and on the other, points in San Mateo, Fresno, Kern, Los Angeles, Sacramento, San Bernardino, San Francisco, Santa Clara, San Diego, Stanislaus, Alameda, San Joaquin, Santa Barbara, and Napa Counties, CA; Multnomah, Marion, Washington, Jackson, Klamath, Lane, Douglas, Josephine, Clackamas, Benton, and Linn Counties, OR; and Kitsap, Clark, King, Pierce, Snohomish, Cowlitz, Lewis, Thurston, Mason, Skagit, and Whatcom Counties, WA. Supporting shippers: There are 13 shippers. Their statements may be examined at the Regional office listed.

MC 134599 (Sub-6-39TA), filed September 18, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Contract Carrier:* Irregular routes; *Medical supplies and materials and supplies used in the manufacture, sale and distribution of medical supplies* (except in bulk) between the facilities of the Deseret Company, subsidiary of Warner-Lambert Company, at or near Sandy, UT, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: The Deseret Company, subsidiary of Warner-Lambert Company, 9450 So. State Street, Sandy, UT 84070.

MC 139906 (Sub-6-40TA), filed September 18, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Sodium Silicofluoride* from the facilities of Gardinier, Inc., at East Tampa, FL to points in the U.S. in and east of MI, IL, KY, TN, and MS for 270 days. An underlying ETA seeks 120 day authority Supporting Shipper: Gardinier, Inc., P.O. Box 3269, Tampa, FL 33601.

MC 151924 (Sub-6-1TA), filed September 18, 1980. Applicant: M & P MEAT SUPPLY, INC., 4011 Main St., Vancouver, WA 98663. Representative: Woodrow Buchanan (same as applicant). *Contract Carrier,* irregular routes: *Groceries and meat,* between WA, ID, and CA, on the one hand, and, on the other, Portland, OR and its commercial zone, for 270 days. Supporting Shippers: Ness & Company, 6645 N. Ensign, Portland, OR 97217, Royce L. Underwood, Inc., 2828 S.W. Kelly, Suite 102, Portland, OR 97201 and McClaskey's Wine Distributor, 930 N.W. 14th Ave., Portland, OR 97209.

MC 147020 (Sub-6-1TA), filed September 18, 1980. Applicant: NORTHWESTERN TRADING CO., INC., Rt. No. 4, Box 116B, Milton-Freewater, OR 97862. Representive: M. C. Risser, Suite 501, 1410 S. W. Morrison St., Portland, OR 97205. *Canned fruits and vegetables, sugar in packages,* from Los Angeles, Fresno, Sacramento, and Stanislaus counties in CA to Walla Walla, WA, and to the facilities of U.R.M. Stores, in Spokane County, WA for 270 days. Supporting shippers (s): There are five shippers. Their statements may examined at the Regional office listed.

MC 138732 (Sub-6-5TA), filed September 18, 1980. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 5 Crow Canyon Ct., Suite 200, San Ramon, CA 94583. *Insulating Materials, Mineral Wool and Bats, and materials and accessories used in the production and distribution thereof,* from the facilities of Rockwool Industries, Inc. at Fontana, CA, Pueblo, CO and Belton, TX to points in and west of MN, IA, MO, AR, and LA, for 270 days. Supporting shipper: Rockwool Industries, Inc., P.O. Box 5170, Denver, CO 80217.

MC 138732 (Sub-6-6TA), filed September 18, 1980. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 5 Crow Canyon CT, Suite 200, San Ramon, CA 94583. *Lumber, Lumber Products, and Wood Products,* (1) From points in CA, ID, OR, WA to points in CO, (2) From points in CO to point in NM, OK, and TX, (3) From Alburquerque, NM to points in AR, IL, IN, KS, KY, MO, OH, OK, TN, TX for 270 days. Supporting Shipper: Sagebrush Sales Company, P.O. Box 25606, Albuquerque, NM 87125.

MC 149100 (Sub-6-6TA), filed September 18, 1980. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717, 17th Street, Denver, CO 80202. *Iron and steel articles,* from the facilities of Broderick and Bascom Rope Company at Sedalia, MO, to points in CA, ID, MT, ND, OR, SD, WA, and WY, for 270 days. On underlying ETA seeks 120 days authority. Supporting Shipper: Broderick & Bascom Rope Company, R.R. 3, Oak Grove Industrial Park, Sedalia, MO 65301.

MC 124692 (Sub-6-19TA), filed September 19, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *Steel pipe,* from the respective commercial zones of Los Angeles, Oakland and San Francisco, CA, Portland, OR and Seattle, WA to points in ND, WY and CO, for 270 days. Supporting shippers: Sumitomo Corporation of America, One California Street, Suite 630, San Francisco, CA 94111; Bunker Supply, Inc., 4545 Post Oak Place Drive, Houston, TX 77027; Marubeni America Corporation, 200 Park Avenue, New York, NY 10166.

MC 136897 (Sub-6-20TA), filed September 19, 1980. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Rd., Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. *Contract Carrier:* Irregular routes: *Picture frames and wall decorations,* from the facilities of Intercraft Industries Col. at Carson, CA, to points in AZ, CO, NV, NM, OR, TX, UT, WA, and WY, for the account of Intercraft Industries, Inc., 270 days. Supporting shipper: Intercraft Industries, Inc., 771 East Watsoncenter Road, Carson, CA 90745.

MC 151920 (Sub-6-1TA), filed September 18, 1980. Applicant: TIDY TRANSPORT LTD., 20151 Logan Av., Langley, B.C. Canada V3A 4L5. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. Contract Carrier: *Tanks, stands, fittings, pipe, steel plate and welding materials,* between points on the U.S.-Canadian International Boundary at Blaine, Lynden and Sumas, WA and points in the State of WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Tidy Welders Ltd., 20151 Logan Avenue, Langley, B.C. Canada V3A 4L5.

MC 151291 (Sub-6-1TA), filed September 17, 1980. Applicant: J. M. WILLIAMS, 800 W. 28th St., Long Beach, CA 90806. Representative: J. M. Williams (address same as above). *Mud or Compounds, gas or oil well drilling, or gas or oil well drilling mud treating compounds; chemicals; machinery; equipment, oil, water, gas well; petroleum products; and conduit, iron or steel* between locations in CA and locations in CO; LA; Lea County, NM; NV; OK; OR; TX; Vernal and Salt Lake

City, UT; Seattle, WA; and WY for 270 days. Supporting shipper IMCO Services, 710 Henry Ford Av., Wilmington, CA 90744.

MC 151681 (Sub-6-1TA), filed September 17, 1980. Applicant: WREDCO, Inc., Country Club Road, Gillette, WY 82716. Representative: William R. Wright II (same as applicant). (1) *Lubricating Oil,* in containers from Ponch City, OK. to points in Big Horn, Campbell, Johnson, Natrona, Sheridan and Washakie counties WY, (2) *Empty Barrels,* from points in Big Horn, Campbell, Johnson, Natrona, Sheridan and Washakie counties, WY; (3) *Anti-freeze,* in containers from Omaha, NE. to points in Big Horn, Campbell, Johnson, Natrona, Sheridan and Washakie counties, WY. for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper(s): Homax Oil Sales, 605 South Poplar, Casper, WY 82601; Northestern Oil Company, Inc., Box 964, Gillette, WY. 82716; Western Motors Petroleum, Box 894, Worland, WY 82401; Terry Oil Company, Inc., Box 861, Sheridan, WY. 82801.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30346 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification requird.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: September 23, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. (Member Taylor not participating).

MC-F-14276F, filed December 27, 1979. D.A. EXPRESS, INC. (D.A.) (15701 Van Drunen, South Holland, IL 60473)—PURCHASE—WORTH FREIGHT LINES, INC. (Worth) (3502 West 98th Street, Chicago, IL 60602). Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. D.A. seeks to purchase the operating rights of Worth, Dan Autullo, who controls D.A. through 100 percent stock ownership, seeks to acquire control of the rights through the transaction. D.A. is purchasing the interstate operating rights contained in Worth's Certificate of Registration MC-121354 (Sub-No. 1), which authorizes the transportation, as a motor common carrier, over irregular routes of *printed matter and commodities general,* within a fifty mile radius of 1845 West Thirteenth Street, Chicago, IL, and to transport such property to or from any point outside of such area of operation for a shipper or shippers within such area. D.A. is authorized to operate as a common carrier, in No. MC-52680 and sub-numbers thereunder. (Hearing site: Chicago, IL.)

Notes.—(1) Application has been filed for temporary authority under 49 U.S.C. 11349. (2) A directly related application seeking a conversion of the Certificate of Registration in MC-121354 (Sub-No. 1) into a Certificate of Public Convenience and Necessity has been filed in MC-52680 (Sub-No. 4F), published in this same **Federal Register** issue. (3) A directly related application seeking elimination of a gateway has been filed in MC-52680 (Sub-No. 5F), published in this same **Federal Register** issue.

MC-F-14285F, filed January 7, 1979. DALEY MOVING AND STORAGE, INC. (Daley) (561 Main St., Torrington, CT 06790)—PURCHASE (PORTION)—COASTAL VAN & STORAGE, INC. (Coastal) (215 Wilson Ave., Newark, NJ 07105). Representative: Ronald I. Shapss,

450 Seventh Avenue, New York, NY 10001. Daley seeks authority to purchase a portion of the interstate operating rights of Coastal. Anthony Mariano who controls Daley through ownership of 90 percent of the capitol stock, seeks to acquire control of said rights through the transaction. Daley is purchasing that portion of the interstate operating rights contained in Coastal's certificate in MC-139808 (Sub-E3), which authorizes the transportation of *household goods* as defined by the Commission, between points in Rockland County, NY, on the one hand, and, on the other, points in DE, MD, VA, NC, SC, GA, FL, DC, CT (west of Route 5) RI, VT, MA, NH, NE, OH, MI, and IL. Daley is authorized to operate as a common carrier transporting property in interstate or foreign commerce pursuant to MC-127052. (Hearing site: New York, NY.)

Note.— A directly related gateway elimination has been filed in MC-127052 (Sub-No. 3F), published in this same **Federal Register** issue.

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed 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 this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

MC 52680 (Sub-4F), filed December 27, 1979. Applicant: D.A. EXPRESS, INC., 15701 Van Drunen, South Holland, IL 60473. Representative: Daniel C. Sullivan, 10 South LaSalle St., Chicago, IL 60603. Conversion of Certificate of Registration MC-121354 (Sub-1), into a Certificate of Public Convenience and Necessity authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in Cook, DuPage, Will, Lake, Kane, Kendall, McHenry, DeKalb, Grundy, and Kankakee Counties, IL.

Note.—This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC-F-14276F, published in this same **Federal Register** issue. (Hearing site: Chicago, IL)

MC 52680 (Sub-5F), filed December 27, 1979. Applicant: D. A. EXPRESS, INC., 15701 S. Van Drunen South Holland, IL 60473. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between those points in IN in the Chicago, IL commercial zone, on the one hand, and, on the other, points in IL, (2) *such commodities* as are dealt in by mail order houses, when such commodities are transported for mail order of retail merchandise establishments, (a) from points in IL, to points in Benton, Boone,

Caroll, Clay, Clinton, Fountain, Hendricks, Jasper, Montgomery, Newton, Owen, Parke, Pulaski, Putnam, Sullivan, Tippecanoe, Vermillion, Vigo, Waren, and White Counties, IN, and Champaing, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Jasper, Kankakee, Livingston, Macon, McClean, Moultrie, Platt, Shelby, and Vermillion Counties, IL, and (b) from Danville, IL, to points in IL, and (3) *meats, packinghouse products, and groceries,* from points in IL, to points in Benton, Boone, Caroll, Clay, Clinton, Fountain, Hendricks, Jasper, Montgomery, Newton, Owen, Parke, Pulaski, Putnam, Sullivan, Tippecanoe, Vermillion, Vigo, Warren, and White Counties, IN, and Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Kankakee, Livingston, Macon, McClean, Moultrie, Piatt, and Vermillion Counties, IL.

Notes.—(1) The purposes of this application is to eliminate the gateways of Benton, Boone, Carroll, Clay, Clinton, Fountain, Hendricks, Jasper, Montgomery, Newton, Owen, Parke, Pulaski, Putnam, Sullivan, Tippecanoe, Vermillion, Vigo, Warren, and White Counties, IN, and Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Kankakee, Livingston, McLean, Macon, Moultrie, Piatt, and Vermillion Counties, IL, and points in the Chicago, IL, commercial zone, in order to provide a through service. (2) This proceeding is directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC-F-14276F, published in this same **Federal Register** issue. (Hearing site: Kansas City, MO.)

MC 127052 (Sub-3F), filed January 7, 1980. Applicant: DALEY MOVING & STORAGE, INC.—Gateway Elimination, 561 South Main Street, Torrington, CT 06790. Representative: Ronald I. Shapss 450 Seventh Avenue, New York, NY 10001. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *household goods* as defined by the Commission, between points in CT, NY, NJ, and PA, on the one hand, and, on the other, points in DE, MD, VA, NC, SC, GA, FL, OH, MI, IL, RI, VT, MA, NH, ME, and DC. (Hearing site: New York, NY.)

Note.—(1) the purpose of this application is to eliminate the gateway of Rockland County, NY. (2) This application is directly related to a finance proceeding under 49 U.S.C. 11343 in Docket No. MC-F-14285F, published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30343 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securites issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-44). *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349. These rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice* **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(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, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: September 19, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. (Member Taylor nor participating).

MC-F-14479F, filed September 8, 1980. W. W. HORN AND J. T. FOSTER (HORN & FOSTER) (640 Hamilton Avenue, Nashville, TN 37203)—CONTINUANCE IN CONTROL—PLANT EQUIPMENT LEASING CO., INC. D/B/A PELCO (PELCO) (640 Hamilton Avenue, Nashville, TN 370202). Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. HORN & FOSTER, individuals, seek to continue in control of PELCO upon the institution by PELCO of operations, in interstate or foreign commerce, as a motor common carrier. HORN & FOSTER also control Pulaski Highway Express, Inc., a motor common carrier pursuant to certificates issued in MC 56553 and sub-numbers thereunder, which authorize the transportation of *general commodities,* usual exceptions, over regular routes, between Nashville, Columbia, Lawrencburg, Pulaski, Lewisburg, and Memphis, TN, Hopkinsville, Russellville, Elkton and Cadiz, KY, and Florence, Muscle Shoals, Sheffield and Tuscumbia, AL. (Hearing site: Nashville, TN.)

Note.—PELCO has filed as a directly related application its initial common carrier application. This application, docketed No. MC-149460F, is published in this same **Federal Register** issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with

pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). 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). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. 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. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto 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 where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

MC 149460F, filed September 8, 1980. Applicant: PLANT EQUIPMENT LEASING CO., INC., d.b.a. PELCO—Initial Common, 640 Hamilton Avenue, Nashville, TN 37203. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in Davidson, Giles, Lawrence, Marshall, Maury and Shelby Counties, TN, DeSoto County, MS, Crittenden County, AR, Christian, Todd and Trigg Counties, KY, and Colbert, Franklin, Lauderdale and Lawrence Counties, AL, on the one hand, and, on the other, points in the United States. (Hearing site: Nashville, TN.)

Note.—This application is directly related to MC-F-14479F, published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30344 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

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 FR 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 these 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 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 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 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. OP1-038

Decided: Sept. 19, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 151080 (Sub-2F), filed September 12, 1980. Applicant: THE SENATE CARTAGE COMPANY, INC., 1010 Jorie Blvd., Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. 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 151870F, filed September 12, 1980. Applicant: CARL E. BRIGGS, Route 9, Box 4855, Plant City, FL 33566. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510. 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 151871F, filed September 12, 1980. Applicant: WILLIAMS S. THOMAS, P.O. Box 61, Hayes, VA 23072. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510. 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 151881F, filed September 12, 1980. Applicant: ROY F. BOUSSON, d.b.a., COON CREEK FARMS TRUCKING, 79555 Coon Creek Road, Armada, MI 48005. Representative: Roy F. Bousson, (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.

Volume No. OP1-040

Decided: Sept. 24, 1980

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 85970 (Sub-39F), filed September 12, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38317. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Goverment, between points in the U.S.

MC 88380 (Sub-37F), filed September 16, 1980. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, P.O. Box 4309, Fort Worth, TX 76106. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. 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 11811 (Sub-16F), filed September 16, 1980. Applicant: LAWRENCE McKENZIE TRUCKING SERVICE, INC., Route 5, Box 111, Winchester, KY 40391. Representative: William L. Willis, 708 McClure Bldg., Frankfort, KY 40601. 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 131031F, filed September 16, 1980. Applicant: COM-TRAN, INC., 2124 Atlantic Ave., North Kansas City, MO 64116. Representative: James M. Hagan, (same address as applicant). As a *broker,* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 149541F, filed September 17, 1980. Applicant: LEBARNOLD, INC., 625 South 5th Ave., P.O. Box 630, Lebanon, PA 17042. Representative: Richard A. Mehley, 1000 16th St., N.W., Suite 502, Washington, DC 20036. 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.

CONDITION

The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 151911F, filed September 16, 1980. Applicant: HARREL R. BRIGGS AND SARAH BRIGGS, Route 9, (PO Box 4855), Plant City, FL 33566. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510. 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.

Volume No. OP5-019

Decided: Sept. 22, 1980

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 119988 (Sub-265F), filed September 9, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between Cushing, Sacul, Reklaw, Frankston, Mabank, Kaufman and Crandall, TX, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 134229 (Sub-7F), filed September 9, 1980. Applicant: RICHMOND TRANSFER, INC., Route 4, box A97, Richmond, MO 64085. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *general commodities* (except used household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

MC 134229 (Sub-8F), filed September 9, 1980. Applicant: RICHMOND TRANSFER, INC., Route 4, Box A97, Richmond, MD 64085. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *general commodities* between (a) Santa Rosa, Tucumcari, Logan, Maravisa, and Endee, NM, (b) Stratford, Glenrio, Adrian, Vega, Wildorado, Amarillo, Alanreed, McLean, Shamrock, St. Francis, Fritch, Sunray, Etter, Brum, Wilco, Stinnett, Pringle, Morse, Gruver, Dalhart, Irving, Dallas, Waxahachie, Corsicana, Teague, Newby, Normangee, Tomball, Houston, Texas City, Galveston, Fort Worth, Graham, Jacksboro, Bowie, Ringgold, and Mexia, TX, (c) Texalo, Sayre, Elk City, Clinton, Weatherford, Bridgeport, Texhoma, Hitchland, Hardesty, Guymon, Mangum, Granite, Hobart, Carnegie, Anadarko, Apache, Chickasha, Marlow, Duncan, Comanche, Homestead, Alva, Ingersoll, Enid, Billings, Ponca City, Augusta, Kingfisher, El Reno, Oklahoma City, Shawnee, Seminole, Wewoka, Holdenville, McAlester, Haileyville, Hartshorne, Wilburton, Wister, Howe, Medford, Warren, Geary, Okeene, Fort Bill, Verden, Lawton, Walter, Temple, Waurika, and Terral, OK, (d) Eunice, Lecompte, Alexandria, Winnfield,

Jonesboro, Hodge, Ruston, Dubach, Bernice, and Junction City, LA, (e) Eldorado, Camden, Crossett, Hermitage, Mace, Banks, Kingman, Fordyce, Carthage, Sparkman, Malvern, Hot Springs, Haskell, Benton, Little Rock, Bauxite, North Little Rock, Carlisle, Hazen, Des Arc, Mesa, DeValls Bluff, Brinkley, Wheatley, Forest City, West Memphis, Edmondson, Stuttgart, Roland, Bigelow, Perry, Cla, Booneville, Mansfield, and Hartford, AR, (f) Kansas City, Southlea, Pleasant Hill, Windsor, Hay, Versailles, Eldon, Meta, Gasconde, Belle, Owensville, Union, Labadie, St. Louis, Liberty, Excelsior Springs, Polo, St. Joseph, Clarksdale, Maysville, Wetherby, Altamont, Coburn, Trenton, and Princeton, MO, (g) Caldwell, Wellington, Wichita, Peabody, Marion, Harrington, Liberal, Plains, Meade, Fowler, Mineola, Bucklin, Dodge City, Greensburg, Pratt, Hutchinson, Medora, McPherson, Salina, White City, Alta Vista, Goodland, Colby, Norton, Phillipsburg, Smith Center, Mankato, Belleville, Cuba, Clyde, Clifton, Clay Center, Riley, Manhattan, McFarland, Topeka, Holton, Horton, Troy, Atchinson, and Kansas City, KS, (h) Burlington, Stratton, Flagler, Arriba, Limon, Simla, Roman, Calhan, Colorado Springs, and Denver, CO, (i) Thompson, Ruskin, Deshler, Hebron, Fairbury, Jansen, Witt, Lincoln, South Bend, Omaha, and Beatrice, NE, (j) Council Bluffs, Shelby, Oakland, Avoca, Audubon, Walnut, Menlo, Stuart, Winterset, Indianola, Chariton, Corydon, Allerton, Seymour, Centerville, Eldon, Ottumwa, Evans, Pella, Monroe, Des Moines, Colfax, Newton, Grinnell, Brooklyn, Marengo, Iowa City, West Liberty, Stockton, Davenport, Clinton, Fairfield, Keosauqua, South Burlington, Buffalo Center, Burlington, Mount Zion, Keokuk, Washington, Ainsworth, Columbus Jct., Nichols, Muscatine, Wilton, Elmira, Cedar Rapids, West Union, Oelwein, Vinton, Waterloo, Cedar Falls, Nevada, McCallsburg, Renwick, Iowa Falls, Hampton, Mason City, Maysfield, Manly, Dows, Belmond, Titonka, Armstrong, Northwood, Emmetsburg, Estherville, Spirit Lake, Lake Park, Gowrie, Hanson, Pocahontas, Hartley, and Sibley, IA, (k) Elsworth, Worthington, Lismore, Albert Lea, Hollandale, Clarks Grove, Owatona, Faribault, Northfield, Farmington, West St. Paul, and St. Paul, MN, (l) Rock Island, Milan, Moline, East Moline, Silvis, Colona, Geneseo, Sheffield, Bureau, Tonlon, Henry, Chillicothe, Peoria, Pekin, LaSalle, Ottawa, Joliet, Elwood, and Chicago, IL, and (m) Memphis, TN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 135909 (Sub-1F), filed September 9, 1980. Applicant: WALTER V. BAKER & ELLIS D. W. BAKER, d.b.a. BAKER BROS., 304 South Main, Ellington, MO 63638. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 144188 (Sub-23F), filed September 5, 1980. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: John W. Frame, Box 626 Old Gettysburg Road, Camp Hill, PA 17011. 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 147069 (Sub-6F), filed September 9, 1980. Applicant: CAL-THERMO EXPRESS, INC., 17327 Ventura Blvd., Suite 301, Encino, CA 91316. Representative: Milton R. Snelson, (Same address as applicant)., 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 151778F, filed September 5, 1980. Applicant: ANDREW C. BOOKARD, 117 Asheville Highway., Inman, SC 29349. Representative: T. Kenneth Cribb, 407 S. Pine St., P.O. Box 2908, Spartanburg, SC 29304. Transporting *food and other edible products* (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, *agricultural limestone* and *other soil condltioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergemcy situations, between points in the U.S.

MC 151779F, filed September 5, 1980. Applicant: DARYL C. HUGHES, Hollywood, SC 29449. Representative: T. Kenneth Cribb, P.O. Box 2908, Spartanburg, SC 29304. Tansporting *food and other edible products (including edible by-products 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 151818F, filed September 10, 1980. Applicant: JOHN C. TEAL, d.b.a. TEAL TRUCKING, RR #2, Box 57, Ridgeville, IN 47380. Representative: John C. Teal, Sr. (same address as applicant). Transporting *food or 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30340 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 344]

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Decided: September 23, 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 § 1100.247). 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 identical 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 promptly 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 jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience 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 much 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 2, Members Chandler Liberman and Eaton.

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 4242 (Sub-71F), filed June 17, 1980. Applicant: PITTSBURGH–FAYETTE EXPRESS, INC., Third and Pennsylvania Railroad, P.O. Box 141, Charleroi, Pa. 15022. Representative: John A. Vuono, ESQ., 2310 Grant Building, Pittsburgh, Pa. 15219. Transporting (1) *wine*, from Baltimore, MD to the facilities of Vento Wine Import, Inc., at Cleveland, OH, and (2) *welding wire, bars, rods and wire fulx*, from the facilities of Airco Welding Products Division of Airco, at Cleveland, OH to the facilities of Airco, at Sparrows Point, Md.

MC 4963 (Sub-110F), filed December 20, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E St. NW, Washington, DC 20004. Transporting (1) *iron and steel articles*, and (2) *plastic pipe and fittings*, between Bakers, Charlotte, and Monroe, NC, and Salem, VA, on the one hand, and on the other, points in MI.

MC 116763 (Sub-599F), (Correction) filed 21, 1979, published in the **Federal Register**, issue of March 25, 1980, and republished, as corrected, this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). Transporting (1) *animal feed ingredients and pesticides* (except commodities in bulk, in tank vehicles), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between those points in the U.S. in and east of ND, SD, NE, CO, and NM, restricted to traffic originating at or destined to the facilities used by American Cyanamid Co.

Note.—The purpose of this republication is to correct the territorial description.

MC 121142 (Sub-20F), filed August 17, 1979. Applicant: J & G EXPRESS, INC., 489 Julienne St., P.O. Box 1637, Jackson, MS 39205. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Over *regular routes*, transporting (1) *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), (a) between Jackson, MS and Holly Springs, MS; from Jackson over U.S. Hwy 51 and Interstate Hwy 55 to Grenada, MS, then over MS Hwy 7 to Holly Springs and return over the same route, serving all intermediate points, (b) between Grenada, MS and Calhoun City, MS, over MS Hwy 8, serving all intermediate points, restricted against traffic originating at, interchanged at, or destined to Grenada and Calhoun City. (2) *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), (a) between Memphis, TN, and Jackson, MS, from Memphis over

Interstate Hwy 55, and U.S. Hwy 51 to Jackson, MS, and return over the same route, serving all points in MS, on, west, and north of a line beginning at the AR–MS State line, and extending along Interstate Hwy 55 to junction MS Hwy 8, and then along MS Hwy 8 to the MS–LA State line as off-route points, (b) between Memphis, TN, and Leland, MS, over U.S. Hwy 61, and return over the same route, serving all intermediate points; (c) between Jackson, MS, as off-route points, from Jackson, MS and Canton, MS, and points in Madison County, MS, as off-route points, from Jackson, MS, over U.S. Hwy 52 and Interstate Hwy 55 to Canton, MS, and return over the same route, serving all intermediate points, and serving points in Madison County, MS, as off-route points. Condition: Issuance of this certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request, of Certificate Nos. MC–121142 Subs 1 and 17, issued April 17, 1969, and March 6, 1979, respectively.

MC 134922 (Sub-305F), filed June 4, 1979. Applicant: B. J. McADAMS, INC., Route 5, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting (1) *paper and paper products* (except Corrugated), and containers, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Green Bay Packaging, Inc., and further restricted against the transportation of pulpboard (except corrugated) from Oppelo, AR, to Kalamazoo, MI, Fremont, OH, and Cedarburg, Green Bay, and Wausau, WI.

MC 143812 (Sub-20F), filed December 13, 1979. Applicant: VAN DIEST TRUCKING, INC., 1415 East Ninth Ave., Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *glycerine*, in bulk, between Burbank, CA, on the one hand, and, on the other, Cincinnati, OH and Hammond, IN.

MC 143812 (Sub-22F), filed May 27, 1980. Applicant: VAN DIEST TRUCKING, INC., 1415 East Ninth Ave., Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *agricultural minerals, auxiliary soil nutrients and commercial fertilizers*, in bulk, from Bakersfield, CA, to points in AZ, CO, LA, NV, NM, TX, and UT.

MC 148292 (Sub-2F), filed September 26, 1979. Applicant: J. POSA, INC., 1 North First, Fulton, NY 13069. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374. Transporting (1) *paper and paper products, and woodpulp*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk and commodities requiring the use of special equipment), (a) between the facilities of Georgia-Pacific Corp., In NJ, NY, OH, PA, and VT, on the one hand, and, on the other, points in CT, DE, FL, GA, MA, MD, ME, NH, NJ, NY, NC, PA, RI, SC, VA, VT, and DC; (b) from Oswego, NY, to points in AL, FL, GA, NC, and SC; and (c) between the facilities of Penntech Papers, Inc., at or near Johnsburg, PA, on the one hand, and, on the other, points in NY, NJ, ME, NH, VT, MA, CT, and RI.

MC 148403 (Sub-2F), filed May 22, 1980. Applicant: BATR, INC., d.b.a. BATR TRUCKING, INC., 1820 West Acoma Blvd., Lake Havasu City, AZ 86403. Representative: David Robinson, P.O. Box 33152, Phoenix, AZ 85067. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of construction and landscaping equipment and materials, between points in Mohave County, AZ, on the one hand, and, on the other, points in CA, CO, MN, NV, OR, and UT.

MC 148842 (Sub-2F), filed January 18, 1980. Applicant: KENNETH E. MORGAN AND STEPHEN J. McLEOD, d.b.a. SPEEDY DELIVERY, P.O. Box 415, Pullman, WA 99163. Representative: Timothy R. Stivers, 1611 Broadway Ave., Boise, ID 83701. Transporting (1) *human blood, medical equipment, and medical supplies*, and (2) *general commodities* (except those of unusual value, classes A and B explosives, radioactive materials, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Latah and Nez Perce Counties, ID, on the one hand, and, on the other, points in Whitman County, WA, restricted in (2) against the transportation of packages or articles weighing in the aggregate more than 100 pounds from any one consignor to any one consignee, on any one day.

MC 15104 (Sub-1F), filed June 16, 1980. Applicant: JACOBI SODDING SERVICE, INC., R.R. 2, Box 232C, Floyds Knobs, IN 47119. Representative: Robert W. Loser, 1101 Chamber of Commerce Building, Indianapolis, IN 46204. Transporting *lumber and wood residuals*, between points in IN, KY, and OH.

MC 116073 (Sub-378F), filed June 6, 1979. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *motor vehicles*, from points in CA, GA, IL, KS, MD, NY, OK, PA, TN, TX, WA, WI and WY, to points in the U.S. (except AK and HI), and (2) *motor vehicles*, in secondary movements, in truckaway service, from points in Elkhart and LaPorte Counties, IN, to points in the U.S. (except AK and HI).

MC 143812 (Sub-21F), filed January 20, 1980. Applicant: VAN DIEST TRUCKING, INC., 1415 East Ninth Ave., Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *grape juice concentyrate and grape wine*, in bulk, from points in Kern County, CA to ports of entry on the international boundary line between the U.S. and Canada in ME, NH, NY, and VT.

[FR Doc. 80-30341 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

Royal-Manson Shippers' Association—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (Williams M. Gibbons, Trustee) Between Royals and Manson, Iowa

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Royal-Manson Shippers' Association to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee) Rock Island between Royal and Manson, IA. The Commission is also setting a schedule for the proceding so that a final decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due October 22, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 3, 1980.

(3) Verified replies are due November 6, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423. Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7026.

SUPPLEMENTARY INFORMATION: Royal-Manson shippers' Association [1] (RMSA) filed an application on September 12, 1980, under section 17(b)of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979) and Section 112 of the Rock Island. Transition and Employee Assistance Act (RITEA) Pub. L. No. 96-254 (1980), for authority to purchase certain property of the Rock Island located in Iowa. The application will be handled under the rules adopted in Ex Parte 282 (Sub-4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 FR 6107 (January 25, 1980).

The property sought to be purchased is approximately 55 miles of railroad line between Royal and Manson, IA. RMSA intends to lease the railroad line to the Illinois Central Gulf Railroad (ICG) for operation.

We have reviewed the application and found it to be complete. It contains the information required by our regulations, except for those items as temporarily waived by our decision served September 9, 1980. Section 111(b) of RITEA requires that we must act on this matter within 100 days after the filing of the application. Accordingly, the filing schedule set forth will apply to this proceeding.

It is ordered: 1. The application in Finance Docket No. 29451.

2. Parties shall comply with all provisions stated above.

3. This decision is effective on the date served.

Dated: September 22, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30278 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 26(SDM) *]

Southern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Southern Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 26(SDM) *. The Commission on August 29, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 26(SDM)*.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30275 Filed 9-30-80; 8:45]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-60F)]

Burlington Northern Inc.—Abandonment—Near St. Joseph, Mo., and Humeston, Iowa, in Buchanan, Andrew, De Kalb, Gentry, Worth, and Harrison Counties, Mo, and Decatur and Wayne Counties, Iowa; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided April 4, 1980, a finding, which is administratively final, was made by the Administrative Law Judge, stating, that the public convenience and necessity permit the abandonment by the Burlington Northern Inc. of those portions of its line of railroad, and operation thereof, (a) between milepost 142.19 near Saint Joseph, MO, and the end of the line at or near milepost 16.65 near Humeston, IA; (b) between Albany Junction, MO, at or near milepost 96.88 on the line described in (a) and at or near milepost 65.75 on this line, on the one hand, and the end of the line at or near milepost 45.66 near Grant City, MO; and (c) between the junction with the line described in (a) at or near its milepost 49.31 and at or near milepost 0.24 on this line at Giles, IA, and the end of the line about milepost 3.70 near Lamoni, IA, consisting of about 125.54 miles, 20.09 miles, and 3.46 miles, respectively, or a total of about 149.09 miles; subject to conditions for the protection of rail employees as set forth in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979); *provided that* Burlington Northern Inc. shall keep intact all of the right-of-way underlying the track, and including all track, bridges, and culverts, for a period of 180 days from August 19, 1980, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or part of the right-of-way. A certificate of abondonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that: (1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed and served no later than 15 days after publication of this Notice; and (2) it is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad. If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abondonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as

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[1] At the time it filed its waiver petition, the shipper association had not finally determined its name. It called itself Roma Shipper Association. Now the shipper association has chosen to call itself Royal-Manson Shippers' Association.

* Includes its consolidated facilities: AB 27(SDM), Alabama Great Southern Railroad Company; AB 28(SDM), Central of Georgia Railroad Company; AB 29(SDM), the Cincinnati, New Orleans and Texas Pacific Railway Company; AB 30(SDM), Georgia Southern and Florida Railroad Company; AB 64(SDM), Chattanooga Station Company; AB 118(SDM), the Albany Passenger Terminal Company and AB 125(SDM), Norfolk Southern Railway Company.

the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30277 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 18 (SDM)]

Chessie System; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Chessie System, and its subsidiaries, has filed with the Commission its amended color-coded system diagram map in docket No. AB 18 (SDM). The Commission on August 19, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 18 (SDM)

Agatha L. Mergenovich,

Secretary

[FR Doc. 80-30276 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 84 (SDM)]

Illinois Terminal Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Illinois Terminal Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 84 (SDM). The Commission on September 22, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 84 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30273 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 57(SDM)]

Soo Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Soo Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 57 (SDM). The Commission on September 2, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 57 (SDM)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30274 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[S.O. 1344; Order 65; Amdt. 4]

Rerouting of Traffic

To: All Railroads

Upon further consideration of I.C.C. Order No. 65, and good cause appearing thereof:

It is ordered,

I.C.C. Order No. 65 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expriration date.* The order shall expire at 11:59 p.m., October 31, 1980, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., September 30, 1980.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

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

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-30271 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

Agricultural Cooperative; Notice To the Commission of Intent to Perform Interstate Transportation for Certain Nonmembers

Dated: September 26, 1980.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: (1) Big Lake Transport, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 98; Charleston, MO 63834.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Beasley Park Drive, Charleston, MO 63834.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Francis M. Hall. P.O. Box 98, Beasley Road Drive, Chaleston, MO 63834.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: (2) Cal-Mont Trading Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 2017, Bozeman, MT 59715.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Cod): P.O. Box 2017, 627 E. Peach St., Bozeman, MT 59715.

Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Rand E. Little, P.O. Box 2017, Bozeman, MT 59715.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: (3) California Canners and Growers.
Principal Mailing Adddress (Street No., City, State, and Zip Code): 3100 Ferry Building, San Francisco, CA 94106.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 381 Stockton Ave., San Jose, CA 95126.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Mr. Vern Bowers, 381 Stockton Ave., San Jose, CA 95126.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: (4) Fur Breeders Agricultural Cooperative.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 295, Midvale, UT 84047.
Where are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): P.O. Box 295, 8400 South 600 West, Midvale, UT 84047.
Person to Whom Inquiries and Correspondence Should be Addressed (name and Mailing Address): Irene Warr, 430 Judge Building, Salt Lake City, UT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30435 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29480]

Arkansas Transportation Commission and Oklahoma Department of Transportation—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) in Oklahoma, Tennessee, Arkansas, and Louisiana

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Arkansas Transportation Commission and Oklahoma Department of Transportation to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), located in Oklahoma, Tennessee, Arkansas, and Louisiana. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due on October 27, 1980.

(2) Verified statements from the United States Secretary of Transportation and Attorney General of the United States are due on November 6, 1980.

(3) Verified replies are due on November 12, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423, Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026.

SUPPLEMENTARY INFORMATION: Arkansas Transportation Commission and Oklahoma Department of Transportation (AR-OK) filed an application on September 15, 1980 for authority to purchase approximately 762 miles of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island). The proposed purchase is under section 17(b) of the Milwaukee Railroad Restructuring Act, (MRR) Pub. L. No. 96-101, 93 Stat. 736 (1979) and section 112 of the Rock Island Railroad Transition and Employee Assistance Act Pub. L. No. 96-254 (1980) (RITEA). We have adopted special rules for applications filed under MRR in Ex Parte 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 FR 6107 (January 25, 1980). Applicants state that they are filing under 49 U.S.C. 10901 and the regulations at 49 CFR Part 1120. The information required under the special rules is similar to the information required in Part 1120; accordingly, we will consider the application as properly filed.

The rail lines sought to be purchased are the following:

(1) El Reno, OK eastward through Oklahoma City, through Little Rock, AR to Memphis, TN, a distance of 513 miles.

(2) Little Rock, AR south to Alexandria, LA, a distance of 227.6 miles.

(3) Mesa, AR south to Stuttgart, AR, a distance of 20.8 miles.

We have reviewed the application and found it to be in substantial compliance with the information required by our regulations. However, due to the time constraints and the complexity of the arrangements that are not yet finalized, AR-OK did not submit all required information. Advance temporary waivers for similar information were approved in other applications. Since AR-OK is in a similar situation as those prospective applicants who sought and obtained advance waivers, we will permit AR-OK until October 30, 1980 to submit the information required in sections 1111.21 and 1111.23.

There is no indication that applicant has complied with the service requirements of section 1111.25(b)(5) of our rules. In lieu of such service, AR-OK is directed to serve a copy of this decision on the interested parties listed in that section.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after an application is filed. Accordingly, the dates set forth in the schedule above will apply to this proceeding. A copy of all comments should be served on applicant's representative: William P. Quinn, Fell, Spalding, Goff & Rubin, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

Requests for copies of AR-OK's application should be addressed to: William P. Quinn, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

It is ordered: 1. The application in Finance Docket No. 29480 is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on September 26, 1980.

Dated: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30328 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29481]

Beaverville Grain & Lumber Co., and Kankakee, Beaverville & Southern Railroad Co.—Acquisition and Operation (Portion)—Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Beaverville Grain & Lumber Company and Kankakee, Beaverville & Southern Railroad Company to acquire and operate a line of railroad owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW). The line runs from Hooper to Walz, IL. The Commission is also setting a schedule for the proceeding, so that a final

decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due October 27, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 6, 1980.

(3) Verified replies are due November 12, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026.

SUPPLEMENTARY INFORMATION: On September 15, 1980, Beaverville Grain & Lumber Company and Kankakee, Beaverville & Southern Railroad Company (applicants) filed an application under Section 17(b) of the Milwaukee Railroad Restructuring Act, 45 USC 915(b) and Section 112 of the Rock Island Railroad Transition and Employee Assistance Act, 45 USC 1009 (RITEA), to purchase and operate a line of railroad owned by the MILW. The line is approximately 56 miles in length and runs from Hooper, IL, to Walz, IL. The application will be handled as a minor transaction under the special procedures in *Acquisition Procedures for Lines of Railroads*, 360 ICC 623 (1980), 45 FR 610F (January 25, 1980).

We have reviewed the application and found it to be in substantial compliance with the information required by our regulations. Due to the time constraints imposed by RITEA and the complexity of the arrangements that are not yet agreed upon, applicants did not submit all required information. Temporary waivers for similar information were approved in advance in other applications. Since this applicant is similarly situated to those applicants that sought and obtained waivers in advance, we will permit it to submit the information required in section 1111.21(a)(3) (the written agreement containing the terms of the transaction, and the Court order approving the agreement) by October 30, 1980.

In addition the applicants did not indicate that they served all parties required by 49 CFR 1111.25(vii)(5). We direct the applicant to serve a copy of this decision on all parties listed in that section.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates set forth in the schedule above will apply to this proceeding. A copy of all comments should be served upon applicant's representative listed below.

Requests for copies of applicants' application should be addressed to: R. Lawrence McCaffrey, Jr., Witowski, Weiner, McCaffrey and Brodsky, P.C., 1575 I Street NW., Washington, DC 20005.

It is ordered: 1. The application in Finance Docket No. 29481 (Sub-No. 1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision shall be effective on September 26, 1980.

Dated: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30329 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29472 (Sub-No. 1)]

Continental Group, Inc. Holding Co.—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Winnfield, La. and Alexandria, La.

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Continental Group, Inc. to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) located in Louisiana. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due October 27, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 6, 1980.

(3) Verified replies are due November 12, 1980.

ADDRESS: An original and 5 copies of all statements should be submitted to the: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, Attention: RITEA acquisition.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026.

SUPPLEMENTARY INFORMATION: Continental Group, Inc. (Company) filed an application on September 15, 1980, under Section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979), and Section 112 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. No. 96-254 (1980) (RITEA), for authority to purchase about 26.9 miles of certain properties of the Chicago, Rock Island and Pacific Company Debtor (William M. Gibbons, Trustee) (Rock Island) located in Louisiana. The application will be handled under the rules adopted in Ex Parte 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 *FR* 6107 (January 25, 1980).

The properties sought to be purchased are:

1. Rock Island trackage from Hodge to Winnfield, LA.

2. Rock Island trackage rights over the Louisiana and Arkansas Railroad from Winnfield to Alexandria, LA.

3. The Rock Island rail yard in Alexandria, LA which comprises approximately 25 acres of land.

We have reviewed the application and found it to be complete. It contains the information required by our regulations, except for those items temporarily waived by our decision served September 12, 1980.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates in the above schedule will apply to this proceeding. A copy of all comments should be served upon applicant's representative: Andrew D. Lipman, Pepper, Hamilton & Scheetz, 1776 F Street NW, Washington, DC 20006.

It is ordered: 1. The application in Finance Docket No. 29472 (Sub-No. 1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on September 26, 1980.

Dated: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30338 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29479]

Des Moines Metropolitan Transit Authority—Purchase (Portion)—Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Des Moines Metropolitan Transit Authority to purchase certain properties of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) located in or near Des Moines, IA. The Commission is also setting a schedule for the proceeding, so that a final decision on the application can be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due on October 27, 1980.

(2) Verified statements from the United States Secretary of Transportation and Attorney General of the United States are due on November 6, 1980.

(3) Verified replies are due on November 12, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423, Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7026.

SUPPLEMENTARY INFORMATION: On September 15, 1980, the Des Moines Metropolitan Transit Authority (the Authority) filed an application under Section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. No. 96–101, 93 Stat. 736 (1979) and Section 112 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. No. 96–254 (1980) (RITEA), for authority to purchase certain properties of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company Debtor (Richard B. Ogilvie, Trustee) (MILW), located in or near Des Moines, IA. The application will be handled as a minor transaction under the special procedures in *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 45 FR 6107 (January 25, 1980).

The rail lines sought to be purchased are:

1. West 28th Street in Des Moines, IA, to Junction in Clive, IA (5.6 miles).
2. Junction in Clive to Grimes, IA (6.5 miles).
3. Junction in Clive, IA to Railroad crossing at U.S. Hwy 6 (approximately 4 miles.)
4. Grimes, to Granger, IA (5.6 miles).
5. Railroad crossing at U.S. Hwy 6 to Waukee, IA (approximately 3.7 miles).
6. Granger, to Woodward, IA (9.9 miles); and
7. Waukee, to Adel, IA (7.1 miles).

We have reviewed the application and found it to be in substantial compliance with the information required by our regulations. Due to the time constraints imposed by RITEA and the complexity of the arrangements that are not yet agreed upon, the Authority did not submit all required information. Temporary waivers for similar information were approved in advance in other applications. Since the Authority is similarly situated as those prospective applicants that sought and obtained waivers in advance, we will permit it to submit the information required in § 1111.21(a)(3) (a copy of the purchase agreement and the Court order approving the agreement) by October 30, 1980.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates set forth in the schedule above will apply to this proceeding. A copy of all comments should be served upon applicants representative listed below.

Request for copies of the application should be addressed to: Forest D. Swift, Metropolitan Transit Authority, 1100 MTA Lane, Des Moines, IA 50309.

It is ordered: 1. The application in Finance Docket No. 29479 is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on September 26, 1980.

Dated: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–30331 Filed 9–30–80; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29380]

FSC Corp. and Funding System Railcars, Inc., Control of Wisconsin and Southern Railroad Co.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343–11347

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: FSC Corporation (FSC) and Funding System Railcars, Inc. (Railcars), its subsidiary which controls a railroad, seek exemption under 49 U.S.C. 10505 from 49 U.S.C. 11343–11347 to acquire control of the Wisconsin and Southern Railroad Company (Wisconsin and Southern).

DATES: Comments must be received on or before October 31, 1980.

ADDRESS: Send the comments to: Interstate Commerce Commission, 12th Street and Constitution Ave., N.W., Washington, D.C. 20423. All written statements will be available for public inspection during regular business hours at the same address. Comments should make reference to Finance Docket No. 29380.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly (202) 275–7564.

SUPPLEMENTARY INFORMATION:

FSC and Railcars filed a joint petition on June 5, 1980, requesting an exemption pursuant to 49 U.S.C. 10505 from the provisions of 49 U.S.C. 11343–11347, with respect to control of Wisconsin and Southern, a proposed new operator.

Background

FSC is a non-carrier Delaware corporation, headquartered in Pittsburgh, PA. Through its various subsidiaries, FSC's principal lines of business include asset management, manufacture of machinery and chemicals for garment care, metal processing and fabrication, construction services and materials, and petroleum refining. FSC does not directly control any railroads. Railcars, which is a wholly-owned subsidiary of FSC, manages and leases freight cars. Railcars controls a Class III railroad, the Upper Merion & Plymouth Railroad Company (UMP). The UMP is a 12-mile switching railroad located in Conshohocken, PA and serves a number of industries in that area and interchanges with the Consolidated Rail Corporation (ConRail).

The Wisconsin and Southern, a wholly-owned subsidiary of Railcars, is a new corporation organized under the laws of the Wisconsin to operate a railroad. The Wisconsin and Southern was formed to operate approximately 148 miles of branch lines in southeastern Wisconsin, which was purchased from the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company (Richard B. Ogilvie, Trustee) (Milwaukee) by the Wisconsin Department of Transportation (WISDOT).

The lines run northwesterly from North Milwaukee to Horicon where they

separate into two branches, with one running west to terminate at Cambria and the other running north through Ripon to terminate in Oshkosh. The lines also include several spur lines off of the above-described lines and a line from Iron Ridge to Mayville.

Under WISDOT's branch line preservation program, WISDOT will transfer or lease these lines to a local transportation commission, the East Counties Railroad Consortium (Consortium). The Consortium has entered into a 20-year lease and operating agreement with the Wisconsin and Southern to operate these lines. At the time this petition was filed, the Wisconsin and Southern also filed an application for a certificate of public convenience and necessity to become the operator of these lines, under 49 U.S.C. 10901.

Railcars and FSC propose to control Wisconsin and Southern through interlocking offices and stock ownership. Since Railcars already controls a rail carrier subject to jurisdiction of the Commission, the UMP, it must obtain Commission approval under 49 U.S.C. 11343 to control the Wisconsin and Southern, unless the Commission exempts Railcars from this requirement. FSC has joined in this petition because it is Railcar's parent corporation.

The Exemption

Petitioners seek an exemption from the Commission's *Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedures*, 49 CFR Part 1111 (1979) (Consolidation Procedures), because of the burden these requirements will impose upon the applicants and because of the *de minimis* nature of the proposed transaction.

We can exempt any matter related to a rail carrier under section 10505 if the transaction is of limited scope, and application of the particular provisions of Subtitle IV of Title 49: (1) is not necessary to carry out the National Transportation Policy, (2) would place an unreasonable burden on a person, class of persons, or interstate or foreign commerce, and (3) would serve little or no useful public purpose. We may act under section 10505 only after an opportunity for a proceeding. This request for comments on the proposed exemption of the proposed transaction is that opportunity. All comments filed in response to this notice along with the petition will be used to determine whether or not the exemption should be granted.

The Proposed Transaction

Railcars and FSC contend that the proposed control of the Wisconsin and Southern has no competitive significance and thus the transaction is of limited scope. The UMP and the Wisconsin and Southern are small carriers which will have a total combined mileage of only 160 miles. It is argued that, geographically, they are widely separated and will not compete with each other, and control of the Wisconsin and Southern by petitioners will have no impact on the competitors of either Wisconsin and Southern or the UMP.

Petitioners allege that the proposed transaction will have no adverse effect upon the employees of the carrier, because the Wisconsin and Southern, a new carrier, will be hiring new railroad employees, and the employees of the UMP will not be affected.

It is contended that the only change resulting from the proposed transaction is that certain rail operations formally performed by the Milwaukee will be performed by the Wisconsin and Southern. In addition, petitioners argue that compliance with the Commission's Consolidation Procedures would require the preparation of a comprehensive application for control, together with numerous exhibits all of which is an unreasonable and an unnecessary burden on them. It is contended that, because of the limited scope of the proposed transaction, the absence of any adverse employee or competitive impacts, and the burden on both the applicants and the Commission's resources of complying with the Consolidation Procedures, application of these procedures in this instance will serve no useful public purpose. In conclusion, the petitioners contend that the Commission will have jurisdiction over the UMP and the Wisconsin and Southern, and will have sufficient information about the relationship between FSC, Railcars, and the Wisconsin and Southern in the section 10901 application, and in a proposed applicatin for authorization under 49 U.S.C. 11301 to issue stock, which the Wisconsin and Southern intends to file shortly.

Petitioners also request that if the Commission denies the exemption, that it grant a waiver of certain requirements under its consolidation procedures. Railcars and FSC contend that because of the limited nature of the proposed transaction, much of the information required by the Commission's consolidation procedures would be unnecessary or irrelevant. We will hold the petition for waiver in abeyance until a decision is entered on the proposed exemption.

The proceeding is instituted under the authority of 49 U.S.C. 10505 and pursuant to 45 U.S.C. 553, 559. This proceeding does not appear to be a major action significantly affecting either energy consumption or the quality of the human environment.

Dated: September 15, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30337 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29459 (Sub-No. 1)]

Gateway Railroad-Purchase (Portion)-Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) and Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee) Lines in Iowa

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Gateway Railroad Corporation to purchase certain properties of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company located in Iowa, and also certain properties of the Chicago Rock Island and Pacific Railroad Company in Iowa. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES: (1) Verfied statements supporting or opposing the application are due October 22, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 3, 1980.

(3) Verified replies are due November 6, 1980.

ADDRESSES: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423. Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7026.

SUPPLEMENTARY INFORMATION: Gateway Railroad Corporation (Gateway) filed an application on September 12, 1980, under section 17(b) of the Milwaukee

Railroad Restructuring Act, Pub. L. No. 96–101, 93 Stat. 736 (1979) and section 112 of the Rock Island Transition and Employee Assistance Act (RITEA), Pub. L. No. 96–254 (1980) for authority to purchase about 950 miles of certain properties of the Chicago., Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (Milwaukee) and of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) in the state of Iowa. The application will be handled under the rules adopted in Ex Parte 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 49 *FR* 6107 (January 25, 1980).

The properties sought to be purchased are the following rail lines:

Milwaukee

1. McGregor to Marquette, IA; McGregor to Rock Valley, IA; and Albert City to Spencer, IA (304.6 miles).
2. Cambridge to Manning, IA (80.9 miles).

Rock Island

1. West Liberty to Cedar Rapids, IA (36.7 miles).
2. Cedar Rapids to Nora Springs, IA (112.9 miles).
3. Vinton to Iowa Falls, IA (74 miles).
4. Iowa Falls to Estherville, IA (109.5 miles).
5. Rake to Estherville, IA (50.6 miles).
6. Estherville to Sibley, IA (50.5 miles).
7. Palmer to Royal, IA (47.1 miles).
8. Hayfield Jct. To Wooden, IA (18.1 miles).
9. Dows to Buffalo Center, IA (63.9 miles).

We have reviewed the application and found it to be complete. It contains the information required by our regulations, except for those items temporarily waived by decision served September 12, 1980. However there is no indication that applicant has complied with the service requirements of section 1111.25 (b)(5) of our rules. In lieu of such service, Gateway is directed to serve a copy of this decision on the interested parties enumerated therein.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates set forth in the schedule above will apply to this proceeding.

Requests for copies of Gateway's application should be addressed to: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309.

It is ordered:

1. The application in Finance Docket No. 29459 (Sub-No. 1) is accepted for consideration.
2. The parties shall comply with all provisions as stated above.
3. This decision is effective on September 22, 1980.

Dated: September 22, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 30335 Filed 9–30–80; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29471 (Sub-No. 1)]

Little Rock & Western Railway Corp.-Purchase (Portion)-Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between North Little Rock, ARk., and Perry, ARK.

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Little Rock and Western Railway Corporation to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) located in Arkansas. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due October 27, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 6, 1980.

(3) Verified replies are due November 12, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423. Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7026.

SUPPLEMENTARY INFORMATION: The Little Rock and Western Railway Corporation (LR&W) filed an application on September 15, 1980, under Section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96–101, 93 Stat. 736 (1979), and Section 112 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. No. 96–254 (1980) (RITEA), for authority to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) located in Arkansas. The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4), *Acquistion Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 FR 6107 (January 25, 1980).

The properties sought to be purchased are:

1. A line of track from Milepost 130.5 in North Little Rock, AR, at an interchange with tracks of the St. Louis Southwestern Railway, through Little Rock (including 6 tracks, totalling 3 miles in Rock Island's Biddle yard), then to Perry, AR, terminating at Milepost 184.2. (the Perry line).
2. A line of track from Milepost 0.0 (Hot Springs Junction) in Little Rock, where it connects with the Perry Line at Milepost 136.4, south to Milepost 4.8.

We have reviewed the application and found it to be complete. It contains the information required by our regulations, except those items temporary waived by our decision served September 12, 1980.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates set forth in the schedule above will apply. A copy of all comments should be served upon applicant's representative: William L. Slover, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

It is ordered:

1. The application in Finance Docket No. 29471 (Sub-No. 1) is accepted for consideration.
2. The parties shall comply with all provisions as stated above.
3. This decision is effective on September 26, 1980.

Date: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–30339 Filed 9–30–80; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29470 (Sub-No. 1)]

Mid-States Port Authority—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Denver, Colo. and McFarland, Kans.

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Mid-States Port Authority to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), located in Iowa, Nebraska, Colorado, and Kansas. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due October 27, 1980.

(2) Verified statement from the United States Secretary of Transportation and the Attorney General of the United States are due November 6, 1980.

(3) Verified replies are due November 12, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to; Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423. Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7026.

SUPPLEMENTARY INFORMATION: The Mid-States Port Authority (MSPA) filed an application on September 15, 1980, under Section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979) and Section 112 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. No. 96-254 (1980) (RITEA), for authority to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) located in Colorado, Nebraska, Iowa, and Kansas. The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 FR 6107 (January 25, 1980).

The properties sought to be purchased are:

1. Track from Council Bluffs, IA to Belleville, KS (148.6 miles). This includes trackage rights of 7.2 miles on the Union Pacific Railroad Company.
2. Track from McFarland to Belleville, KS (104.1 miles).
3. Track from Belleville to Phillipsburg, KS (94.5 miles).
4. Track from Phillipsburg to Goodland, KS (139.9 miles).
5. Track from Goodland, KS, to Limon, CO to Denver, CO (111 miles). This includes trackage rights of 83.8 miles on the Union Pacific Railroad Company.
6. Track from Limon to Colorado Springs, CO (76.9 miles).

We have reviewed the application and found it to be complete. It contains the information required by our regulations, except for those items temporarily waived by our decision served September 12, 1980.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates set forth in the schedule above will apply. A copy of all comments should be served upon applicant's representative: McDill Boyd, Chairman, Board of Directors, Mid-State Port Authority, P.O. Box 446, Phillipsburg, KS 67661.

It is ordered:

1. The application in Finance Docket No. 29470 (Sub-No. 1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on September 26, 1980.

Dated: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30333 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29476]

North-South Development Corp.—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) between El Dorado, AR, and Winnfield, LA

AGENCY: INTERSTATE COMMERCE COMMISSION.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of North-South Development Corporation to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) located in Arkansas and Louisiana. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES:

(1) Verified statements supporting or opposing the application are due on October 27, 1980.

(2) Verified statements from the United States Secretary of Transportation and Attorney General of the United States are due on November 6, 1980.

(3) Verified replies are due on November 12, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423, Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026.

SUPPLEMENTARY INFORMATION: North-South Development Corporation (NS) filed an application on September 15, 1980, under Section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979), and Section 112 of the Rock Island Railroad Transition Employee Assistance Act, Pub. L. No. 96-254 (1980) (RITEA), for authority to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) located in Arkansas and Louisiana. This application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 FR 6107 (January 25, 1980).

The properties sought to be purchased are the trackage, right-of-way and other properties of the Rock Island between El Dorado, AR and Winnfield, LA (99.3 miles).

We have reviewed the application and found it to be in substantial compliance with the information required by our regulations. However, due to the time constraints and the complexity of the arrangements that are not yet finalized, NS did not submit all required information. Advance temporary waivers for similar information were approved in other applications. Since NS is in a similar situation as those prospective applicants who sought and obtained advance waivers, we will permit it until October 30, 1980, to submit the information required in section 1111.21(a)(3)(i) (a description of the nature of the transactions, the significant terms and conditions, and the consideration to be paid); section 1111.21(a)(3)(ii) (the agreement); section 1111.21(a)(3)(iii) (the court order); section 1111.21(a)(3)(vii) (the labor impact); section 1111.23(a) through (g) (the operational data); and section 1111.25(b)(5) (the certification of service on designated persons).

There is no indication that applicant has complied with the service requirements of section 1111.25(b)(5) of our rules. In lieu of such service, NS is directed to serve a copy of this decision on the parties listed in that section.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates set forth in the schedule above will apply to this proceeding. A copy of all comments should be served upon applicant's representative listed below.

Requests for copies of NS's application should be addressed to: Elton C. Pody, 609 North Vienna St., Ruston, LA 71270.

It is ordered:

1. The application in Finance Docket No. 29476 is accepted for consideration.
2. The parties shall comply with all provisions as stated above.
3. This decision is effective on September 26, 1980.

Dated: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich.

Secretary.

[FR Doc. 80-30332 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29474]

Regional Transportation Authority (Illinois)-Purchase (Portion)-Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)-Chicago/Joliet Commuter Line

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Regional Transportation Authority (Illinois) (RTA) to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company Debtor (William M. Gibbons, Trustee) (Rock Island) located in Illinois. The Commission is also setting a schedule for the proceeding so that a final decision on the application may be issued within 100 days.

DATES:

(1) Verified statements supporting or opposing the application are due October 27, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 6, 1980.

(3) Verified replies are due November 12, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, Attention RITEA Acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026.

SUPPLEMENTARY INFORMATION: RTA filed an application on September 15, 1980 under section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979) and section 112 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. No. 96-254 (1980) (RITEA) for authority to purchase about 47 miles of certain rail lines and other properties of the Rock Island in Illinois. The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads,* 360 I.C.C. 623 (1980), 45 *FR* 6107 (January 25, 1980).

The properties sought to be acquired are:

(1) 1.1 miles of permanent easement over Rock Island right-of-way in downtown Chicago from Congress Street (at the LaSalle Street Station) to 16th Street.

(2) 39.4 route miles of main line track from Chicago (16th Street) to Joliet.

(3) 6.7 route miles of branch line known as the Suburban Branch between Western Avenue and 87th Street in Chicago.

(4) Twenty Budd bi-level stainless steel passenger cars.

(5) All assets formerly used by the Rock Island to maintain or store cars and locomotives used in commuter service.

(6) All assets used for commuter rail station facilities, including station buildings and parking lots.

(7) All property (including maps, specifications, plans and other documents) that relate to the operations, maintenance and management of the Rock Island's commuter operations.

49 CFR 1111.21(3)(ii), 1111.21(3)(iii) and 1111.25(b)(2)(VI) require the filing of the agreement to purchase the court order approving the agreement,, and any directly related applications. RTA asks for a waiver of these requirements because it is negotiating with the Rock Island trustee on the price to be paid and an agreement has not been reached. RTA has initiated condemnation proceedings so that a court can set a fair price. Since no date has been set for the court hearing, there is no agreement and no court order. RTA also states that a trackage rights agreement has not yet been reached with the Chessie System and perhaps other railroads and therefore directly related applications cannot be filed concurrently.

We have reviewed the application and found it to be in substantial compliance with the information required by our regulations. Due to the time constraints imposed by RITEA and the complexity of the arrangements that are not yet agreed upon, applicants did not submit all required information. Temporary waivers for similar information were approved in advance in other applications. Since this applicant is similarly situated to those applicants and, in view of the pending condemnation proceeding against the Rock Island which will determine such matters as price, RTA is granted until October 30, 1980 to either submit the information required in sections 1111.21(3)(ii), 1111.21(3)(iii) and 1111.25(b)(2)(VI) or explain why it cannot be submitted as of that date.

Section 111(b) of RITEA requires that the Commission reach a decision 100 days after the filing of the application. Accordingly the above schedule will apply to this proceeding. A copy of all comments should be served upon applicants representative: B. G. Cunningham, Manager, Government Grants, Regional Transportation Authority, 300 North State St., Chicago, IL 60610.

It is ordered:

1. The application in Finance Docket No. 29474 is accepted for consideration.
2. The parties shall comply with all provisions as stated above.
3. This decision is effective on September 26, 1980.

Dated: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30326 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29451 (Sub-No. 1)]

Royal-Manson Shippers' Association—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Royal & Manson, Iowa

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Royal-Manson Shippers' Association to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M.

Gibbons, Trustee) Rock Island between Royal and Manson, IA. The Commission is also setting a schedule for the proceeding so that a final decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due October 22, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 3, 1980.

(3) Verified replies are due November 6, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423, Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026.

SUPPLEMENTARY INFORMATION: Royal-Manson Shippers' Association [1] (RMSA) filed an application on September 12, 1980, under section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979) and Section 112 of the Rock Island Transition and Employee Assistance Act (RITEA), Pub. L. No. 96-254 (1980), for authority to purchase certain property of the Rock Island located in Iowa. The application will be handled under the rules adopted in Ex Parte 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads,* 360 I.C.C. 623 (1980), 45 *FR* 6107 (January 25, 1980).

The property sought to be purchased is approximately 55 miles of railroad line between Royal and Manson, IA. RMSA intends to lease the railroad line to the Illinois Central Gulf Railroad (ICG) for operation.

We have reviewed the application and found it to be complete. It contains the information required by our regulations, except for those items as temporarily waived by our decision served September 9, 1980. Section 111(b) of RITEA requires that we must act on this matter within 100 days after the filing of the application. Accordingly, the filing schedule set forth will apply to this proceeding.

It is ordered:

1. The application in Finance Docket No. 29451 (Sub-No. 1) is accepted for consideration.

2. Parties shall comply with all provisions stated above.

3. This decision is effective on September 22, 1980.

Dated: September 22, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30336 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[1] At the time it filed its waiver petition, the shipper association had not finally determined its name. It called itself Roma Shipper Association. Now the shipper association has chosen to call itself Royal-Manson Shippers' Association.

[Finance Docket No. 29473 (Sub-No. 1)]

Southeast Iowa Shippers Association-Purchase (Portion)-Chicago, Rock Island Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Fruitland, Iowa and Burlington, Iowa

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Southeast Iowa Shippers Association to purchase certain properties of the Chicago, Rock Island and Pacific Company, Debtor (William M. Gibbons, Trustee) located in Iowa. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES: (1) Verified statements supporting or opposing the application are due October 27, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due November 6, 1980.

(3) Verified replies are due November 12, 1980.

ADDRESS: An original and 5 copies of all statements should be submitted to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423. Attention: RITEA acquisition.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7026.

SUPPLEMENTARY INFORMATION: Southeast Iowa Shippers Association (SISA) filed an application on September 15, 1980, under Section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979), and Section 112 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. No. 96-254 (1980) (RITEA), for authority to purchase about 110 miles of certain properties of the Chicago, Rock Island and Pacific Company, Debtor (William M. Gibbons, Trustee) (Rock Island) located in Iowa. The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4), *Acquistion Procedures for Lines of Railroads,* 360 I.C.C. 623 (1980), 45 FR 6107 (January 25, 1980).

The properties sought to be purchased are Rock Island trackage and right-of-way:

1. From Fruitland to Keota, IA.
2. From Columbus Junction to West Liberty, IA.
3. From Columbus Junction to Burlington, IA.

We have reviewed the application and found it to be complete. It contains the information required by our regulations, except those items temporarily waived by our decision served September 12, 1980. However, there is no indication that applicant has complied with the service requirements of section 1111.25(b)(5) of our rules. In lieu of such service, SISA is directed to serve a copy of this decision on the interested parties enumerated therein.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates set forth in the above schedule will apply to this proceeding. A copy of all comments should be served upon applicant's representative listed below.

Requests for copies of SISA's application should be addressed to: Del F. White, President, Southeast Iowa Shippers Association, P.O. Box 297, Muscatine, IA 52761.

It is ordered:

1. The application in Finance Docket No. 29473 (Sub-No. 1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on September 26, 1980.

Date: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30327 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Nos. 37468, 37469]

Southern Pacific Transportation Co.—Rates and Classification of Iron Ore, Intrastate in Texas and Southern Pacific Transportation Co.—Rates and Classification of Iron Ore, From Texas

Decided: September 22, 1980.

No. 37468

In No. 37468, Southern Pacific Transportation Company (SP) has

requested this Commission to institute an intrastate rate investigation under 49 U.S.C. 11501. The movements in dispute are shipments from and to points in Texas of crushed rock with relatively high contents of iron and iron oxide. Petitioner seeks a determination of the proper commodity classification for these shipments.

SP filed an application with the Railroad Commission of Texas on May 4, 1978, which sought the establishment of iron ore rates for the movements. The Railroad Commission did not issue a final administrative decision within the statutory 120-day period set forth in 49 U.S.C. 11501. On June 25, 1979, however, the Railroad Commission did issue a decision in RCT Docket No. 022579ZZR. This decision denied the commodity rates sought by SP and amended the Texas intrastate tariff applicable to shipment of sand, gravel, crushed stone, and other aggregates by providing the following commodity description to apply to the movements at issue:

Sand, gravel, rock, or stone, crushed, containing iron, having no value for further extraction of any metallic content.

On April 11, 1979, SP requested institution by the Interstate Commerce Commission of an intrastate rate investigation as to allegedly discriminatory intrastate rates on and the proper classification of crushed iron-bearing stone from the sole origin of LaRue, TX, to various points in Texas. Investigation No. 37165 was instituted in response to this request. Subsequently, SP was authorized to abandon service at LaRue in No. AB-12 (Sub-No. 53), *Southern Pacific Transp. Co.—Abandonment*, 365 I.C.C. 105 (1980). Also an administratively final decision was served on February 28, 1980, in No. 37064, *OKC Corporation* v. *Missouri-Kansas-Texas Railroad Company, Et Al.*[1] This decision involved intrastate rates on crushed iron-bearing stone from LaRue to interstate destinations and found that iron ore rates were applicable to such interstate shipments. In light of the decisions in No. AB-12 (Sub-No. 53) and No. 37064, and because the proceeding sought to be instituted by SP in No. 37468 encompasses the issues raised in No. 37165, the proceeding in No. 37165 was dismissed without prejudice and with agreement of the parties in a decision served July 9, 1980.

SP alleges that the June 25, 1979, decision of the Railroad Commission of Texas adopts rates, classifications, and practices which cause an unreasonable discrimination against and unreasonable burden on interstate commerce and, as between persons and localities in intrastate commerce and interstate commerce, unreasonable discrimination against those persons and localities in interstate commerce. Specifically, SP proposes in No. 37468 that this Commission: (1) prescribe for application to the subject intrastate crushed stone traffic the classification and commodity description "iron ore, containing not to exceed 73 percent natural iron content, having no value for further extraction of any metallic content," (2) order the Railroad Commission of Texas to delete from its tariff, Item 480, Series in SWFB Tariff 84 (TLFB Series), RCT No. 490, the commodity description adopted in RCT Docket No. 022579ZZR, and (3) prescribe a scale of rates for the involved intrastate iron ore traffic comparable to the presently existing rates on similar interstate traffic.

Under the circumstances outlined above, we conclude that SP has presented grounds under section 11501 which justify an investigation in No. 37468.

No. 37469

SP has also filed a petition for a declaratory order in No. 37469. There it seeks resolution of a dispute with Texas shippers concerning the proper description and classification of the same stone commodity at issue in No. 37468 when moving in interstate commerce. The administratively final decision in No. 37064 has already dealt with this controversy in the context of interstate shipments originating at LaRue, TX, and destined to Pryor, OK. The conclusions there are equally applicable to interstate shipments of the same commodity involving different Texas origins and out-of-State destinations. Institution of another proceeding to resolve this same question thus would be entirely duplicative. The petition in No. 37469 thus will be denied. SP may of course file a formal complaint or an action at law if it believes shippers have sought to move their commodities under inapplicable tariffs.

It is ordered:

In No. 37469, the petition to institue a proceeding for issuance of a declaratory order is denied.

In No. 37468, the petition for investigation is granted. An investigation, under 49 U.S.C. 11501 and 11502, is instituted to determine whether the Texas intrastate rail freight rates and charges described in this decision in any respect cause (A) unreasonable discrimination against persons or localities in interstate or foreign commerce in relation to persons or localities in intrastate commerce, or (B) unreasonable discrimination against or an unreasonable burden on interstate or foreign commerce, or are otherwise unlawful. In the investigation we shall also determine if any rates or charges, or maximum or minimum rates or charges, or both should be prescribed to remove any unlawful discrimination or undue burden or other violation of law found to exist.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall notify the Office of Proceedings, Rm. 5356, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the **Federal Register** publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

Soon after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this decision shall be served upon the petitioner, and copies shall be sent by certified mail to the Railroad Commission of Texas and the Governor of Texas. Further notice of this proceeding shall be given to the public by depositing a copy of this decision in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the **Federal Register.**

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30334 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

[1] This decision is currently pending on appeal before the United States Court of Appeals for the Fifth Circuit in No. 80-1444.

[Finance Docket No. 29475]

TeCe Corp.—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) in Texas, Oklahoma, and Kansas

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of TeCe Corporation to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), located in Texas, Oklahoma, and Kansas. The Commission is also setting a schedule for the proceeding, so that a final decision on the application may be issued within 100 days.

DATES:

(1) Verified statements supporting or opposing the application are due on October 27, 1980.
(2) Verified statements from the United States Secretary of Transportation and Attorney General of the United States are due on November 6, 1980.
(3) Verified replies are due on November 12, 1980.

ADDRESS: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423. Attention: RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7026.

SUPPLEMENTARY INFORMATION: TeCe Corporation (TeCe) filed an application on September 15, 1980, under section 17(b) of the Milwaukee Railroad Restructuring Act, Pub. L. No. 96-101, 93 Stat. 736 (1979), and section 112 of the Rock Island Railroad Transition and Employee Assistance Act Pub. L. No. 96-254 (1980) (RITEA), for authority to purchase approximately 133 miles of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) in Texas, Oklahoma, and Kansas. The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 *FR* 6107 (January 25, 1980).

TeCe seeks to purchase a segment of the Rock Island between Pringle, TX and Hardesty, OK (51 miles) and between Etter Junction and Morse Junction (9 miles) or alternatively between Liberal, KS and Pringle, TX and between Morse Junction and Wilco, TX totalling 132.27 miles.

We have reviewed the application and found it to be in substantial compliance with the information required in our regulations. Certain information required in section 1111.21 and 1111.23 was unavailable at the time the application was filed, because of the complexity of arrangements and time constraints. Advance temporary waivers for simliar information were approved in other applications. Since TeCe is in a similar situation as those prospective applicants who sought and obtained advance waivers, we will permit TeCe until October 30, 1980 to file the required information.

In addition, applicants have failed to comply with the service requirements of section 1111.25(b)(5) of our rules. In lieu of such service, TeCe is directed to serve a copy of this decision on the parties listed in that section.

Section 111(b) of RITEA requires the Commission to reach a decision 100 days after the filing of the application. Accordingly, the dates set forth in the schedule above will apply to this proceeing. A copy of all comments should be served upon applicant's representative listed below.

Requests for copies of TeCe's application should be addressed to: Peter K. Lutken, Jr., Vice President, TeCe Corporation, Investment Management Corporation, 2300 First National Bank Building, Dallas, TX 75202.

It is ordered:

1. The application in Finance Docket No. 29475 is accepted for consideration.
2. The parties shall comply with all provisions stated above.
3. This decision shall be effective on September 26, 1980.

Dated: September 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis and Gilliam. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30330 Filed 9-30-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

Termination of Countervailing Duty Investigation Concerning Chains from Italy

AGENCY: U.S. International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 704(a) of the Tariff Act of 1930, as amended, and section 104(b)(1) of the Trade Agreements Act of 1979, with regard to chains and parts thereof, of cast-iron or steel from Italy.

EFFECTIVE DATE: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone number (202) 523-1376.

SUPPLEMENTARY INFORMATION: Chains and Parts Thereof, of Cast-Iron or Steel from Italy, are currently subject to non-waived countervailing duty orders, pursuant to action taken by the Treasury Department in 1977 (T.D. 77-249), published in the **Federal Register** of October 11, 1977 (42 FR 54799).

Section 104(b)(1) of the Trade Agreements Act of 1979 requires the Commission, in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation. Such investigation is to determine whether an industry in the United States would be materially injured, threatened with material injury, or that the establishment of such industry would be materially retarded if the order were to be revoked.

On January 11, 1980, the Commission received a letter from Acciaierie Weissenfels S.p.A. and Weissenfels, Inc. requesting that the Commission institute an investigation to determine whether the importation of chains and parts thereof from Italy has materially injured the United States chain industry. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for a review of several outstanding countervailing duty orders, including chains from Italy.

On May 2, 1980, the Commission received a request from counsel for the National Association of Chain Manufacturers, petitioners in the original countervailing duty action, to "withdraw its petition."

While there is no provision in the Trade Agreements Act of 1979, or in its legislative history, specifically authorizing termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1671c(a)). Section 704(a) directs the Commission to solicit public comment prior to termination and

approve such termination only if it is in the public interest. Since termination is permitted in cases based on newly filed countervailing duty petitions, it should also be permitted in cases based on existing countervailing duty orders where no objection is raised.

On August 6, 1980, the Commission published a notice in the **Federal Register** (45 FR 52273) requesting public comment by September 5, 1980, on the proposed termination of the Commission investigation on chains from Italy which are subject to outstanding non-waived countervailing duty orders (T.D. 77-249). The public comment period has now expired and no adverse comments were received.

Pursuant to its authority under section 704(a) of the Tariff Act of 1930, as amended, the Commission is therefore terminating its investigation under section 104(b)(1) of the Trade Agreements Act of 1979 on "Chains and Parts Thereof, of Cast-Iron or Steel from Italy."

The Commission is also serving a copy of this notice on each person who has written the agency in connection with this investigation and is also notifying the Department of Commerce of its action.

By order of the Commission.

Issued: September 22, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-30427 Filed 9-30-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-81]

Certain Hollow Fiber Artificial Kidneys; Notice to all Parties

Notice is hereby given that the hearing in this proceeding previously scheduled for 9:00 a.m., September 29, 1980 (45 FR 62577, September 19, 1980) is cancelled. A prehearing conference will be held in this case at 9:00 a.m. on October 10, 1980, and the hearing will commence at 9:00 a.m. on October 13, 1980 in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C.

The Secretary shall publish this notice in the **Federal Register.**

Issued: September 24, 1980.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 80-30428 Filed 9-30-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-74]

Certain Rotatable Photograph and Card Display Units and Components Thereof; Commission Hearing on the Presiding Officer's Recommendation and on Relief, Bonding and the Public Interest, and the Schedule for Filing Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: The scheduling of oral argument and briefing for investigation No. 337-TA-74, certain rotatable photograph and card display units and components thereof.

Notice is hereby given that the presiding officer has filed his recommend determination that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the unauthorized importation into and sale in the United States of certain rotatable photograph and card display units and components thereof. He has also certified the evidentiary record to the Commission for its consideration. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents) by contacting the Office of the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436.

Commission Hearing: The Commission will hold a hearing beginning at 10:00 a.m., e.d.t., on October 17, 1980, in the Commission's Hearing Room (Room 331), 701 E Street, NW., Washington, D.C. 20436, for two purposes. First, the Commission will hear oral argument on the presiding officer's recommendation that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the way such relief would affect the public interest, and the proper amount of the bond during the Presidential review period, in the event that the Commission determines that there is a violation of section 337. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties. The procedure for each portion of the hearing follows.

Oral Argument: A party to the Commission's investigation or an interested agency wishing to present to the Commission an oral argument concerning the presiding officer's recommendation will be limited to no more than 30 minutes. A party or interested agency may reserve 10 minutes of its time for rebuttal. The oral arguments will be held in this order: complainant, respondents, interested agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, interested agencies, and the Commission investigative attorney.

Oral Presentations on Relief, Bonding, and the Public Interest: If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion from entry of the subject article or (2) an order which could result in requiring the respondent to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in what relief, if any, should be ordered.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has up to 60 days to approve or disapprove the Commission's action. During this period the subject articles would be entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury. Accordingly, the Commission is interested in what bond, if any, should be assessed.

If the Commission concludes that a violation of section 337 has occurred and orders some form of relief, it must consider the effect of that relief upon the public. Accordingly, the Commission is interested in the effect of any exclusion or cease and desist order upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

Following the oral arguments on the presiding officer's recommendation, a party to the investigation, an interested agency, a public-interest group, or any interested member of the public may make an oral presentation on relief, bonding, and the public interest. Such presentations will be limited to no more than 15 minutes. Participants will be permitted an additional 5 minutes for closing arguments after all presentations have been concluded. The Commission investigative attorney will be allotted the full time available to a party.

Written Submissions: Parties to the Commission's investigation, interested agencies, and the Commission investigative attorney are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in connection with their exceptions to the presiding officer's recommended determination), remedy, bonding and public interest in order to

give greater focus to the hearing. Such briefs must be filed no later than the close of business October 8, 1980. The parties may be asked during the course of the hearing to file post-hearing briefs.

Notice of Appearance: Written requests to appear at the Commission hearing must be filed by October 8, 1980.

Additional Information: The original and 19 true copies of all briefs and written comments and any written request to participate must be filed with the Secretary to the Commission. Any person desiring to discuss confidential information, or to submit a document (of a portion thereof) to the Commission in confidence, must request *in camera* treatment unless the information has already been granted *in camera* treatment by the presiding officer. Such request should be directed to the Chairman of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Docments or arguments reflecting confidential information approved by the Commission for *in camera* treatment will be treated accordinly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of the Commission's investigation was published in the **Federal Register** of November 21, 1979 (44 FR 66997).

FOR FURTHER INFORMATION CONTACT: . William W. Gearhart, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523-0487.

By order of the Commission.

Issued: September 22, 1980.

[FR Doc. 80-30428 Filed 9-30-80; 8:45 am]

BILLING CODE 7020-02-M

[AA1921-66A]

Television Receiving Sets From Japan; Prehearing Conference

AGENCY: United States International Trade Commission.

ACTION: Annoucement of prehearing conference to be held in connection with the Commission's investigation No. AA1921-66A, Television Receiving Sets from Japan. The prehearing conference is to be held at 10:00 a.m., e.s.t., on October 31, 1980, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C.

EFFECTIVE DATE: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Daniel Leahy, Senior Investigator (202-523-1369).

SUPPLEMENTARY INFORMATION:

Background

On September 16, 1980, the Commission instituted investigation No. AA1921-66A, under section 751 of the Trade Act of 1930. The purpose of this investigation is to determine whether changed circumstances exist which indicate that an industry in the United States would not be threatened with material injury if the dumping order now in effect concerning television receiving sets from Japan were revoked. The purpose of the prehearing conference is to discuss with interested parties the allocation of hearing time and hearing procedures.

By order of the Chairman.

Issued: September 26, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-30429 Filed 9-30-80; 8:45 am]

BILLING CODE 7020-02-M

METRIC BOARD

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, October 16, 1980, from 9:00 a.m. to 1:00 p.m. The Forum will be held in conjunction with the U.S. Metric Board's regular October meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum will be held in the Presidential Ballroom of the Neil House Hotel, 41 South High Street, Columbus, Ohio 43215.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives of groups or organizations. The public is invited and encouraged to provide oral or written comments and ask questions of the Board from 11:00 a.m. to 1:00 p.m. Those who wish to participate may also submit comments or questions in advance to Mr. Chips Maurer, Office of Public Awareness and Education, United States Metric Board, 1815 North Lynn Street, Suite 600, Arlington, Virginia 22209.

Louis F. Polk,

Chairman, United States Metric Board.

[FR Doc. 80-30420 Filed 9-30-80; 8:45]

BILLING CODE 6820-94-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80-63]

Intent To Grant Exclusive Patent License

Notice is hereby given that consideration is beign given to the grant to Richard D. Charnitski of Mission Viego, California, of a limited, exclusive, revocable license to practice the invention described in U.S. Patent No. 3,882,846 for "Insulated Electrocardiographic Electrodes" issued May 13, 1975, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1242.2, as revised April 1, 1972. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 30 days of the date of this Notice, the Chairperson, Inventions and Contributions Board, NASA, Washington, D.C., 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: September 19, 1980.

S. Neil Hosenball,

General Counsel.

[FR Doc. 80-30297 Filed 9-30-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice 80-64]

NASA Advisory Council (NAC); Space Science Advisory Committee; Meeting

The NAC Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration Headquarters on October 20-22, 1980. The meeting will be open to the public. The meeting will take place from 9:00 a.m.-5:00 p.m. on October 20; from 9:00 a.m.—5:00 p.m. on October 21; and from 9:00 a.m.-12:30 p.m. on October 22, 1980. The meeting

will be held in Room 5026 (with a seating capacity of 60 persons including the Committee members and participants) in Federal Building 6, 400 Maryland Avenue SW, Washington, DC 20546.

The NAC Space Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Science programs. Topics under discussion at this meeting will include a status report and overview of the Space Science programs. The primary theme of the meeting will be "The Prosperity of Space Sciences in the 1980's." The purpose of this discussion is to understand the factors which control, impede or enhance the advancement of a strong healthy program.

October 20

9:00 am Introduction—Soderblom
9:15 am Space Science Program Status—Mutch/Stofan
10:30 am "Field Committee" Report—Field
11:30 am Spacelab and Platforms Status—Moore
1:30 pm Explorer Program—Subcommittee Report—York
3:00 pm Gravity Probe-B Technical Readiness Review Report—Weiss

October 21

Mini-Symposium on Space Science in the 1980's. Potential speakers:
Al Cameron, Space Science Board
R. Frosch, National Aeronautics and Space Administration
N. Hinners, Smithsonian
T. Young, Goddard Space Flight Center
B. Murray, Jet Propulsion Laboratory
C. R. O'Dell, Marshall Space Flight Center
B. Huberman, Office of Science and Technology Policy
J. Naugle, formerly National Aeronautics and Space Administration
D. Hunten, Univ. of Arizona
Congressional and Senate Representatives
Office of Space Science Division Directors
Observer and Discussant:
W. Lucas, Marshall Space Flight Center
G. Struthers, Office of Management and Budget

October 22

9:00 am Discussion on Symposium; Identification of Working Topics; Identification of Working Groups—Soderblom/Committee
10:30 am Global Terrestrial Ecology—Soffen
11:30 am Office of Space Science Data Management Systems Overview—Wiskerchen

For further information contact Dr. Jeffrey D. Rosendhal, Acting Assistant Associate Administrator for Space Science, Code SS-1, NASA Headquarters, Washington, DC 20546. Telephone 202/755-3653.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

September 25, 1980.

[FR Doc. 80-30298 Filed 9-30-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-65)]

Space Shuttle Student Involvement Project for Secondary Schools

AGENCY: National Aeronautics and Space Administration.

ACTION: Announcement of beginning of student competition.

SUMMARY: The National Science Teachers Association (NSTA) and the National Aeronautics and Space Administration (NASA) are conducting a project to stimulate the study of science and technology in secondary schools by engaging students in a competition to develop experimental concepts suitable for flight aboard the Space Shuttle.

Up to 200 semifinalists and their teachers will attend preliminary conferences in March, 1981, in 10 regions to discuss their proposed experiments with other students as well as NASA and industry scientists. Many of these regional conferences will be held at NASA research centers.

From the 200 semifinalists, 10 will be selected who have developed concepts which best utilize the capabilities of the Space Shuttle.

These 10 national winners and their teachers will attend a special educational conference at Kennedy Space Center, Fla., in late summer of 1981. Winning student experiments that are suitable may be performed on Space Shuttle flights later in 1981 or 1982.

Any student is eligible who is regularly enrolled in grades 9 through 12 in U.S. public, private, parochial and overseas schools, including U.S. civil and military overseas establishments, Puerto Rico, Guam, the Virgin Islands and U.S. outlying territories.

Interested students should have their teachers write to: Space Shuttle Program, National Science Teachers Association, 1742 Connecticut Avenue, NW, Washington, DC 20009, or call Mrs. Dorothy Culbert (202) 328-5865, for an official entry form, rules booklet and other supplementary material.

Student proposals should be submitted to the address indicated on the entry form no later than February 2, 1981.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

[FR Doc. 80-30299 Filed 9-30-80; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Revised Notice of Meeting

The subject meeting is being revised to rescheduled the session during which the ACRS will meet with the NRC Chairman and other members of the Commission who may be present to discuss matters related to nuclear powerplant safety and regulation. Notice of this meeting was published in the **Federal Register** on September 25, 1980. (45 FR 63590).

The agenda for the subject meeting will be as follows:

Thursday, October 9, 1980

8:30 a.m.—9:30 a.m.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding matters to be considered during a meeting with the Chairman, Nuclear Safety Oversight Committee, a meeting with the NRC Chairman and NRC Commissioners who may be present, and miscellaneous matters relating to ACRS activities.

9:30 a.m.-11:30 a.m.: Meeting with Chairman, Nuclear Safety Oversight Committee (Open)—The Committee will meet with the Chairman of the Nuclear Safety Oversight Commitee and other members who may be present to discuss the role of the ACRS in the nuclear regulatory process.

11:30a.m.-1:00 p.m. and 2:00 p.m.-3:00 p.m.: Quantitative Risk Criteria (Open)—The Committee members will discuss the proposed ACRS report to NRC regarding proposed risk criteria for the regulation of nuclear facilities.

3:00 p.m.—4:00 p.m.: Meeting with NRC Chairman and Commissioners (Open)—The Committee will meet with the NRC Chairman and other NRC Commissioners who may be present to discuss various safety related matters including the NRC Safety Research Program budget for fiscal year 1982, implementation of ACRS recommendations on Unresolved Safety Issues and selective use of probabilistic assessment by the NRC Staff.

Portions of this session will be closed as required to discuss information the premature disclosure of which might significantly frustrate implementation of proposed agency action.

4:00 p.m.–6:00 p.m.: Nuclear Data Link (Open)—The Committee will hear and discuss a report from members of the NRC Staff regarding a proposed Nuclear Data Link to monitor conditions at nuclear facilities.

6:00 p.m.–6:15 p.m.: Future Schedule (Open)—The Commitee will discuss the proposed future schedule for subcommittee and full Committee activities.

Friday, October 10, 1980

8:30 a.m.–10:30 a.m. Proposed NRC Regulation (10 CFR 50) regarding Fire Protection in Nuclear Facilities (Open)—The Committee will hear and discuss comments from members of the NRC Staff and representatives of the nuclear industry regarding the proposed NRC rule (10 CFR 50) regarding fire protection provisions in nuclear facilities.

10:30 a.m.–12:00 Noon: Review of NRC Regulatory Requirements and Operating Nuclear Power Plants (Open)—The Committee will discuss the proposed NRC plan, with members of the NRC Staff, to review NRC regulatory requirements and reevaluate operating nuclear power plants in accordance with upgraded criteria.

1:00 p.m.–2:00 p.m.: Provisions for Decay Heat Removal from Nuclear Plants (Open)—The Committee will hear and discuss a status report with members of the NRC Staff regarding the seismic design of Auxiliary Feedwater Systems.

2:00 p.m.—5:00 p.m.: Quantitative Risk Criteria (Open)—The Committee will continue discussion of its proposed report to NRC regarding quantitative risk criteria for regulation of nuclear facilities.

5:00 p.m.–6:30 p.m.: Proposed ACRS Reports/Memoranda (Open)—The Committee members will discuss proposed ACRS reports/memoranda regarding the design and performance of BWR hydraulic scram systems and NRC requirements for inspection of primary system pressure containing boundaries.

Dated: September 26, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-30409 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Change in Meeting Announcement

The October 8, 1980 meeting of the ACRS Subcommittee on Advanced Reactors, announced in the **Federal Register** on September 23 (45 FR 63195), will be held in *Room 1046*, (instead of room 1010) at 1717 H St., NW, Washington, DC.

The meeting will begin at *8:15 p.m.* (instead of 1:00 p.m.). It is anticipated that the meeting will end at approximately 10:00 p.m.

The Subcommittee may find it necessary to discuss proprietary information and one or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

All other items regarding this meeting remain the same as published in the above cited **Federal Register** notice.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 26, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-30408 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409-SC; (Prov. Op. Lic. DPR-45)]

Dairyland Power Cooperative (La Crosse Boiling Water Reactor); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this show-cause proceeding.

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Thomas S. Moore

Dated: September 22, 1980.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-30411 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-315]

Indiana and Michigan Electric Co; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commision (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-58, issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 1 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment revises the pressure-temperature operating limits for the D. C. Cook Unit No. 1 pressure vessel.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for emendment dated February 22, 1980, (2) Amendment No. 41 to License No. DPR-58 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of September 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-30413 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 OL and 50-323 OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Hearing on Seismic Issues

September 23, 1980.

Please take notice that evidentiary hearings before this Appeal Board on the seismic issues reopened by the

Board's decision of June 24, 1980 (ALAB-598, 11 NRC 876, 888-92) will commence at 9:30 A.M. on October 20, 1980, in the Auditorium of the Veterans Memorial Building, 801 Grand Avenue (at Palm Street), San Luis Obispo, California.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-30410 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-D7, "Emergency Power Systems at Nuclear Power Plants," has been developed. A Working Group, consisting of Mr. J. Kollmannsberger of the Federal Republic of Germany; Mr. G. Kvist of Sweden; and Mr. C. J. Wylie (Duke Power Company) of the United States of America, developed the initial draft of Safety Guide SG-D7 from an IAEA collation during a meeting on May 9-20, 1977. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Design at regularly scheduled meetings during 1977 through 1979. The Senior Advisory Group subsequently reviewed and further modified this Guide at a meeting on March 3-7, 1980, and we are soliciting public comments on this modified draft. Comments on this draft received by November 3, 1980, will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 18th day of September 1980.

For the Nuclear Regulatory Commission

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-30412 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

Abnormal Occurrence Report; Twentieth Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the twentieth periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 3, No. 1). The release date is September 23, 1980.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The twentieth report to Congress is for the first quarter of 1980. The report identifies the occurrences or events that the Commission determined were significant and the remedial action that was undertaken. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable:

(a) There were two abnormal occurrences at the nuclear power plants licensed to operate. One involved exposures to beta radiation in excess of regulatory limits. The other incident (a generic concern) involved a transient initiated by partial loss of power. Both of these incidents were determined reportable during report preparation and therefore have not previously been noticed in the **Federal Register.** Using the abnormal occurrence criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950), the first incident satisfies example I.A.1 of Appendix A: Exposure of the skin of the whole body of any individual to 150 rems or more of radiation; the second incident satisfies example I.D.4 of Appendix A: Series of events (where individual events are not of major importance), recurring incidents, and incidents with implications for similar facilities (generic incidents), which create major safety concern.

(b) There was one abnormal occurrence at the fuel cycle facilities (other than nuclear power plants). The incident involved a loss of confinement system which resulted in inhalation of plutonium by an employee.

(c) There was one abnormal occurrence at other licensee facilities. The incident involved overexposure to individuals in unrestricted areas. This incident was determined reportable during report preparation and therefore has not previously been noticed in the **Federal Register.** Using the abnormal occurrence criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950), the item satisfies example I.A.2 of Appendix A: An exposure to an individual in an unrestricted area such that the whole body dose received exceeds 0.5 rems in one calendar year (10 CFR 20.105(a)).

(d) There were no abnormal occurrences reported by the Agreement States.

The twentieth report to the Congress also contains updating information on some abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, N.W., Washington, D.C. or at any of the 130 local Public Document Rooms throughout the country. The report, designated NUREG-0090, Vol. 3, No. 1, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, or from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or about October 7, 1980.

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

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc.80-30419 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.26, "Applications of Bioassay for Fission and Activation Products," identifies the bases that will be used by the NRC staff in evaluating the need for license provisions requiring bioassay programs in installations where employees may be subject to internal radiation exposure from the inhalation or ingestion of fission or neutron activation products. It also describes methods acceptable to the NRC staff for developing such bioassay programs. The guide endorses, with certain exceptions, ANSI N343-1978, "Internal Dosimetry for Mixed Fission and Activation Products."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 23rd day of September 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-30416 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-67, issued to Florida Power and Light Company (the licensee), which revised the license for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of the date of issuance and is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensee's filing dated June 19, 1980, is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No.36 to License No. DPR-67 and (2) the Commission's related letter to the licensee dated September 18, 1980. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of September 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3 Division of Licensing.

[FR Doc. 80-30018 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al. (Duane Arnold Energy Center); Issuance of Director's Decision Under 10 CFR 2.206 (DD-80-29)

On September 11, 1979, notice was published in the **Federal Register** (44 FR 52912) that Citizens United for Responsible Energy (CURE) has requested that the Director of Nuclear Reactor Regulation modify License No. DPR-49 for the Duane Arnold Energy Center such that compliance with General Electric Company recommendation "BWR Coolant Oxygen Control," NEDO-23631, June 1977, is a limiting condition for operation. The Director has treated this petition as a request for action under 10 CFR 2.206. After a review of the relevant information, the Director has determined that there is no basis for such modification to License No. DPR-49. Accordingly, the request by CURE has been *denied*.

Copies of the Director's decision are available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of this decision will also be filed with the Secretary of the Commission for review by the Commission in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes a review of this decision within that time.

Dated at Bethesda, Maryland this 24th day of Sept., 1980.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-30415 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-317 AND 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 47 and 30 to Facility Operating Licenses Nos. DPR-53 and DPR-69, respectivey, issued to Baltimore Gas & Electric Company (the licensee), Which revised the licenses and their appended Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facililties) located in Calvert County, Maryland. The amendments are effective as of their date of issuance.

The amendments authorize replacement of the existing racks in both sides of the spent fuel pool of the facilities with borated racks of a design capable of accomodating up to 830 assemblies for Unit 1 and 930 assemblies for Unit 2. The modification and subsequent use of the two-section pool permits a total or 1760 fuel assemblies to be stored instead of the previously authorized total of 1056 assemblies.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Consideration of Proposed Modification to Facilities Spent Fuel Storage Pool in connection with this action was published in **Federal Register** on March 7, 1980 (46 FR 14981). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action significantly greater than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated April 1973, and the action will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the applications for amendments dated July 3 and August 31, 1979, January 15, 1980, as supplemented April 14 and 18, May 20 and 30, July 7, and September 12, 1980, (2) Amendment Nos. 47 and 30 to License Nos. DPR-53 and DPR-69, (3 the Commission's concurrently issued Safety Evaluation, and (4) the Commission's concurrently issued Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Calvert County Library, Prince Federick, Maryland 20678. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of September, 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 80-30417 Filed 9-30-80; 845: am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 and 50-366 Operating Licenses DPR-57 and NPF-5; EA-80-32]

Georgia Power Co., Hatch Units 1 and 2; Order Imposing a Civil Monetary Penalty

I

Georgia Power Company, 270 Peachtree Street, Atlanta, Georgia, ("the licensee"), 270 Peachtree Street, Atlanta, GA 30303, is the holder of Facility Operating Licenses DPR-57 and NPF-5 ("the licenses") which authorize the company to operate Hatch Station, Units 1 and 2, in Appling County, Georgia, under certain specified conditions. Facility Operating Licenses DPR-57 and NPF-5 were issued by the Nuclear Regulatory Commission (the "Commission") on August 6, 1974 and June 13, 1978, respectively.

II

On March 19, 1980, an excessive radiation exposure rate in a vehicle transporting radioactive waste from Plant Hatch to Barnwell, South Carolina, was identified by an NRC inspector at the waste disposal site in Barnwell, South Carolina. Based on a special inspection conducted at the Hatch site near Baxley, Georgia, on April 29 and 30, 1980, it appeared that the licensee had not conducted its activities in full compliance with requirements of the NRC's "Packaging of Radioactive Material for Transport. . . .", Part 71, Title 10, Code of Federal Regulations. A written Notice of Violation was served upon the licensee by letter dated June 19, 1980, specifying the item of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of a Civil Penalty dated June 19, 1980, was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, incorporating by reference the Notice of Violation which stated the nature of the item of noncompliance and the provisions of NRC requirements with which the licensee was in noncompliance.

A response dated July 14, 1980 to the Notice of Violation and Notice of Proposed Imposition of a Civil Penalty was received from the licensee.

III

Upon consideration of the answer received and the statements of fact, explanation, and argument in denial or mitigation contained therein, as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the item of noncompliance designated in the Notice of Violation should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Four Thousand Dollars ($4,000) within twenty-five (25) days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may, within twenty-five (25) days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five days of the date of this Order, the provisions of this Order shall be effective without further proceedings

and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee was in noncompliance with the Commission's requirements as set forth in the Notice of Violation; and

(b) whether, on the basis of such noncompliance, the Order should be sustained.

Dated at Bethesda, Maryland this 24th day of September, 1980.

For the Nuclear Regulatory Commission.

R. C. DeYoung,

Acting Director, Office of Inspection and Enforcement.

Appendix A

Evaluation and Conclusion

For the item of noncompliance and associated civil penalty identified in the Notice of Violation (dated June 19, 1980), the original item of noncompliance is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to the item) dated July 14, 1980) is presented.

Statement of Noncompliance

10 CFR 71.5 prohibits delivery of licensed material to a carrier for transport unless the licensee complies with the applicable regulations of the Department of Transportation in 49 CFE Parts 170–189. 49 CFR 173.393(j)(4) limits the radiation level to two millirem per hour in any normally occupied position of the car or vehicle.

Contrary to the above, on March 18, 1980, packages of licensed material were shipped from your facility in a transport vehicle (trailer #544104) with radiation levels in the normally occupied portions or the truck cab in excess of the regulatory limit as was evidenced by measured levels ranging from 2.6 to 3.7 mrem/hr upon its arrival at the Barnwell, South Carolina waste disposal site on March 19, 1980.

This is a Severity Level II Violation. (Civil Penalty—$4,000).

Evaluation of Licensee Response

The licensee has disclaimed the alleged severity of noncompliance and has requested remission or mitigation of the civil penalty.

The licensee contends initially that its own survey of the truck cab did not indicate a level of radiation in excess of the two millirem per hour limit imposed by 49 CFR 173.393(j)(4). Rather, the licensee states that its "documentation of the survey indicates the highest radiation level measured in normally occupied positions was 1.5 mrem/hr." The NRC staff does not dispute the accuracy of the reading recorded by the licensee; rather, the violation is based on the licensee's failure to survey all the normally occupied positions of the vehicle. The licensee's survey consisted only of measurements of the middle of the driver's seat. The NRC inspector took measurements in the driver's seat area where the driver's head and shoulders would normally be positioned. This survey detected radiation levels of 2.6 to 3.7 millirems per hour in those areas, thereby revealing a clear violation of the two millirem per hour limit. Furthermore, surveys of the normally occupied positions of the cab taken by representatives of the State of South Carolina and by Chem-Nuclear, the operator of the waste disposal site, substantiated the NRC findings.

The licensee also contends that those levels recorded by the NRC constitute only a "small" departure from the acceptable limits and that the deviations did not result in excessive radiation exposure to the driver. Despite this contention, the two millirem per hour limit imposed by the regulations was in fact exceeded. The degree of radiation level was, however, less than a factor of two above the DOT requirements. As such, the violation constitutes a Severity Level II Violation as defined by the NRC's Criteria for Determining Enforcement Action and Categories of Noncompliance. See 44 Federal Register 77135 (12/31/79).

The licensee also contends that the proposed penalty is excessive when compared with penalties imposed on other licensees for similar violations. In determining whether to impose a penalty, as well as the amount, the Commission must take into account a number of factors unique to each case. In this and other similar cases the civil penalty dollar values were determined in accordance with the policy defined by the NRC's Criteria for Determining Enforcement Action and Categories of Noncompliance.

The licensee also contends that it engaged in no negligent or willfull misconduct. However, the regulation is violated when the established limits are exceeded.

Finally, the licensee asks that the civil penalty be mitigated in light of the fact that it has already taken corrective steps to ensure that similar violations will not be repeated. the NRC will review these procedures at a subsequent inspection. Corrective action is required whenever a violation occurs and, therefore, is not generally a basis for mitigation.

Conclusion

Based on the discussion above, the NRC finds no basis for remission of the civil penalty or mitigation of the severity level of the violation. Therefore, the request is denied and the civil penalty will be imposed in the amount of $4,000.

[FR Doc. 80-30506 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 73 and 72 to Facility Operating Licenses Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments to the Technical Specifications revise the Tables of Containment Isolation Valves and Safety Related Snubbers to reflect modifications completed or planned by the licensee to satisfy the Commission's requirements for: (1) cut and cap of the Control Rod Drive Return Line, (2) Containment Isolation Valve modifications to satisfy NUREG-0578, "TMI-2 Lessons Learned Task Force Status Report and Short-Term Recommendations", and (3) removal/replacement/addition of safety related snubbers associated with the MK I Containment Long-Term Program. Items (1) and (2) apply to both Peach Bottom 2 and 3. Item (3) applies only to Unit 2.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated May 23 and July 16, 1980, (2) Amendments Nos. 73 and 72 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of September, 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 80-30505 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct, Source, and Special Nuclear Material License No. 29-00055-14 EA-80-34]

Teledyne Isotopes, Inc.; Order Imposing Civil Monetary Penalties

I

Teledyne Isotopes, Incorporated, 50 Van Buren Avenue, Westwood, New Jersey ("the licensee") is holder of Byproduct, Source, and Special Nuclear Material License No. 29-00055-14 ("the license") issued by the Nuclear Regulatory Commission ("the Commission"). The license authorizes the licensee to receive and possess packages containing waste byproduct, source and special nuclear material, to store the packages at its facilities lacated at 103 Woodland Avenue, Westwood, New Jersey, and to dispose of the packaged waste by transfer to authorized land burial sites in accordance with the conditions specified in the license and is due to expire January 31, 1983.

II

An inspection of a shipment of radioactive waste transported under NRC License No. 29-00055-14 was conducted on January 14, 1980 at the Nuclear Engineering Company burial site in Richland, Washington. As a result of this inspection, it appears that the licensee had not conducted its activities in full complance with the conditions of its license and the requirements of the Commission relative to packaging. A written Notice of Violation was served upon the licensee by letter dated July 8, 1980 specifying the items of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205 incorporating by reference the Notice of Violation which stated the nature of the items of noncompliance and the provisions of NRC regulations and license conditions.

An answer dated July 30, 1980 to the Notice of Violation and the Notice of Proposed Imposition of Civil Penalties was received from the licensee on August 4, 1980.

III

After consideration of the answer received and the statements of fact, explanation, and argument in denial or mitigation contained therein, as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the item of noncompliance designated in the Notice of Violation should be imposed.

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The licensee pay civil penalties in the total amount of Three Thousand Dollars ($3,000) within twenty-five (25) days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may, within twenty-five (25) days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee was in noncompliance with the Commission's regulations as designated in the Notice of Violation referenced in Section II above; and,

(b) whether, on the basis of such item of noncompliance, this Order should be sustained.

Dated this 25th day of September, 1980 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Deputy Director, Office of Inspection and Enforcement.

Appendix A—Evaluation and Conclusions

For each item of noncompliance and associated civil penalty identified in the Notice of Violation (dated July 8, 1980), the original item of noncompliance is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to each item (dated July 30, 1980) is presented.

Item A

Statement of Noncompliance

10 CFR 71.5 prohibits delivery of licensed material to a carrier for transport unless the licensee complies with applicable regulations of the Department of Transportation in 49 CFR Parts 170-189.

49 CFR 173.392(c)(1) requires that packaged shipments of low specific activity radioactive materials transported as exclusive use must be packaged in strong, tight packages.

Contrary to the above, on January 8, 1980, the licensee delivered two packages of low specific activity (LSA) radioactive licensed material to a carrier for transport to the waste burial site on a tractor-trailer assigned for sole use and the packages were not strong, tight packages in that the bolt ring of one drum contained no bolt and the bolt ring of another drum had loosened and encircled the body of the drum.

This is a Severity Level II Violation (Civil Penalty—$2,000).

Evaluation of Licensee Response

The licensee denies the item of noncompliance and requests that the civil penalty be withdrawn. The licensee argues that when the two drums were delivered to the carrier, the licensee had substantial reason to believe that the packages were strong, tight packages because of the successful shipment of over 1100 such drums since 1972. The licensee also states that the drums were delivered with the bolts and locking rings intact and that they must have vibrated loose during transport. The licensee admits that the fasteners did fail but denies that there was loss of containment, contamination or possibility for exposure to personnel.

49 CFR 173.392(c)(1) states that materials must be packaged in strong, tight packages so that there will be no leakage of radioactive material under conditions normally incident to transportation. As evidenced by the fact that the two packages arrived at the burial site with the bolt missing on one drum and the bolt ring encircling the body of the second drum, it is apparent that the packages in question were not strong, tight packages and that there was potential for the leakage of radioactive material under conditions normally incident to transportation. It is expected that the shipper will offer packages for transport which will remain strong, tight packages in that the fasteners will not vibrate loose during transportation.

The licensee also argues that the proposed civil penalty is inappropriate because the circumstances do not correspond to the

description of a Severity Level II noncompliance and that the item of noncompliance, if true, should be categorized as a Severity Level III noncompliance for which civil penalties are not issued. With respect to this request, the "General Guidelines for Determining Severity Levels for Transportation Enforcement Action" which were attached to the "Criteria for Enforcement Action for Failure to Comply with 10 CFR 71" sent to NRC licensees on December 3, 1979, identifies a Severity Level II noncompliance as a "Noncompliance with . . . other requirements which could result in . . . 3) an increase in the potential for personnel exposure or contamination." Since there was loss of containment integrity during transport and since there was a potential for exposure to personnel at the burial site, this item was properly categorized as a Severity Level II Violation. The item of noncompliance would not be classified as a Severity Level III Violation. A Severity Level III Violation does not involve a loss or breach of containment integrity.

Finally, with regard to the licensee's implication that prompt corrective action should be given consideration in the imposition of a civil penalty, timely corrective action is always expected and therefore is not a basis for mitigation of a civil penalty.

Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

Item B

Statement of Noncompliance

10 CFR 71.5 prohibits delivery of licensed material to a carrier for transport unless the licensee complies with applicable regulations of the Department of Transportation in 49 CFR Parts 170–189.

173.392(c)(8) further requires that the outside of each such package must be stencilled or otherwise marked "Radioactive—LSA".

Contrary to the above, on January 8, 1980, the licensee delivered low specific activity (LSA) radioactive licensed material to a carrier for transport to the waste burial site on a tractor-trailer assigned for sole use and the outside of 30 packages was not stencilled or otherwise marked "Radioactive—LSA" to identify the contents.

This is a Severity Level III Infraction (Civil Penalty—$1,000).

Evaluation of Licensee Response

The licensee denies the item of noncompliance and requests that the civil penalty be withdrawn. The licensee argues that, when the drums were delivered to the carrier for transport, the drums were marked by the customer with a grease pencil which apparently was easily removed.

49 CFR 173.392(c)(8) states that the outside of each package must be stencilled or otherwise marked "Radioactive—LSA." Upon arrival at the burial site, 30 of the packages were not marked "Radioactive—LSA" to identify the contents. This constitutes an item of noncompliance. The fact that the markings were easily removable may explain why the packages were unmarked upon arrival but does not obviate the noncompliance. It is expected that the shipper will offer packages for transport which will remain marked as required by 49 CFR 173.392(c)(8) during transport to the burial site so that the packages are properly marked when they arrive at the burial site.

The licensee also argues that the item of noncompliance was categorized as a Severity Level III noncompliance which is not subject to civil penalties by the guidelines set forth in the "Criteria for Enforcement Action for Failure to Comply with 10 CFR 71" dated December 3, 1979. With respect to this request, the Criteria for Enforcement Action state that Severity Level I or II noncompliances will normally result in either civil penalties or more severe enforcement action. The Criteria do not preclude levying a civil penalty against a Severity Level III noncompliance, especially when they are identified along with Severity Level I and II noncompliance items. In this instance, a Severity Level II noncompliance also occurred and the number of unmarked containers was excessive warranting the imposition of a civil penalty.

Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

[FR Doc. 80-30507 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-142]

Regents of the University of California (UCLA Research Reactor); Issuance of Director's Decision Under 10 CFR 2.206

By petition dated October 3, 1979, the Committee to Bridge the Gap requested that the NRC issue an order shutting down the UCLA research reactor and take other actions regarding public hearings on renewal of the UCLA operating license. Notice was published in the **Federal Register** on December 6, 1979, (44 F.R. 70241) that the petition was under consideration as a request for action under 10 CFR 2.206. Upon consideration of the Committee's petition, I have determined not to shut down the UCLA research reactor. The Committee's request for a hearing and intervention in the UCLA license renewal proceeding are before an Atomic Safety and Licensing Board for appropriate action.

Copies of the "Director's Decision under 10 CFR 2.206" which fully discusses the reasons for this decision are available for inspection in the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C. 20555. A copy of the decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission 20 days after issuance, unless the Commission on its own motion institutes review of the decision within that time.

Dated at Bethesda, Maryland this 24th day of September 1980.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-30508 Filed 9-30-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11370; 811-2409]

Mexico Fund; Proposal To Terminate Registration Pursuant to Section 8(f) of the Investment Company Act of 1940

September 24, 1980.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion, that Mexico Fund ("Fund"), Suite 318, 1150 Anchorage Lane, San Diego, CA 92106, registered under the Act as a closed-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized under the laws of the State of California on November 25, 1970, and registered under the Act on September 11, 1973. The Fund filed a registration statement pursuant to the Securities Act of 1933 ("1933 Act") on Form S-4 to make a public offering of shares of its capital stock. The files of the Commission further indicate that on July 19, 1978, the Commission ordered this registration statement abandoned pursuant to Rule 479 under the 1933 Act and, thus, the Fund has never made a public distribution of its securities. Furthermore, the Fund has never filed any of the periodic reports required by the Act. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made

upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 20, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter 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 the Fund 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 matter 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. 80-30348 Filed 9-30-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21727; 6051]

Middle South Utilities, Inc. and Middle South Energy, Inc.; Proposal by Subsidiary to Issue Common Stock To Parent

September 25, 1980

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, and its subsidiary, Middle South Energy, Inc. ("MSEI") 225 Baronne Street, New Orleans, Louisiana 70112 have filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By a series of orders dating to December 1977 in this matter the Commission has authorized MSEI to issue and sell its common stock to Middle South from time to time in order to finance, in part, MSEI's construction of the nuclear-fired Grand Gulf Generating Station. The Commission's most recent order in this matter was dated February 12, 1980 (HCAR No. 21429) and authorized MSEI to issue and sell up to 50,000 additional shares of its authorized but unissued no par common stock to Middle South from time to time through December 31, 1980 ("1980 Common Stock"). As of July 15, 1980 MSEI had sold 18,500 of such shares to Middle South.

It now appears that, based upon MSEI's revised estimate of cash requirements for the remainder of 1980 and during 1981, in addition to the 31,500 shares of 1980 Common Stock which were unsold as of July 15, 1980, it may be necessary for MSEI to issue and sell to Middle South during the remainder of 1980 and through and including December 31, 1981, an aggregate of 50,000 additional shares of its authorized but unissued common stock, no par value ("Additional Shares"). MSEI proposed to issue and sell, and for Middle South to purchase, up to 50,000 shares of the Additional Shares through and including December 31, 1981, at a price of $1,000 per share for an aggregate cash purchase price of $50,000,000. MSEI will apply the proceeds of sales of the Additional Shares to costs incurred by it in the construction of the Grand Gulf Project. MSEI is authorized by its articles of incorporation to issue up to 1,000,000 shares of its common stock, no par value, and as of July 15, 1980 the Company has issued and sold an aggregate of 425,500 shares of its common stock no par value to Middle South for an aggregate cash consideration of $425,500,000.

MSEI and Middle South state that it is preferable for sales of the Additional Shares to be timed to coincide with MSEI's cash needs from time to time, which are primarily determined by the nature and pace of the construction work on the Grand Gulf Project. Accordingly, MSEI proposes to sell the Additional Shares to Middle South from time to time at any time through and including December 31, 1981 in increments to be determined by MSEI and Middle South. Each such sale will be reported to the Commission by a certificate filed pursuant to Rule 24.

To the extent funds are required from external sources to acquire the Additional Shares, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes issued under a revolving credit agreement dated as of June 27, 1980 with a group of banks headed by Manufacters Hanover Trust Company, New York, New York, as authorized by the Commission's Order dated June 17, 1980 (HCAR No. 21628), or through extensions thereof or such other forms of financing as may be approved by the Commission.

It is stated that sales of the Additional Shares will enable MSEI to continue construction of the Grand Gulf Project and to maintain capitalization ratios required under various agreements.

It is stated that no special or severable fees, commissions or expenses will be incurred in connection with the proposed transaction. It is further stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 20, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of any attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-30350 Filed 9-30-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11371; 812-4726]

State Bond and Mortgage Co.; Filing of an Application Pursuant to Section 6(c) of the Act for an Order of the Commission Exempting Certain Loans From the Provisions of Section 17(a)(3) of the Act.

September 24, 1980.

Notice is hereby given that State Bond and Mortgage Company ("Applicant") 100-106 North Minnesota Street, New Ulm, Minnesota 56073, a Minnesota corporation registered under the Investment Company Act of 1940 (the "Act") as a face-amount certificate company, filed an application on August 29, 1980, and an amendment thereto on September 18, 1980, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting from the provisions of Section 17(a)(3) of the Act certain government guaranteed student loans to be made by State Bank and Trust Company of New Ulm ("State Bank") to children of officers, directors and employees of Applicant. 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.

Section 17(a)(3) of the Act, is part, provides that it is unlawful for affiliated persons of a registered investment company, or affiliated persons of affiliated persons of a registered investment company to borrow money or other property from any company which is controlled by the registered investment company. State Bank, a Minnesota chartered commercial bank, is a wholly-owned subsidiary of Applicant and thus is an affiliated person of Applicant. Section 2(a)(9) of the Act provides that a natural person shall be presumed not to be a controlled person but that any such presumption may be rebutted by evidence. Applicant states that although children of officers, directors and employees of it are presumed not to be controlled persons and therefore not within the scope of the prohibitions of Section 17(a)(3) unless such children are otherwise affiliated persons, State Bank is reluctant to make student loans to such children because of the possibility that evidence in some cases may rebut the presumption against control of a natural person. Because of the possibility that these student loans may violate Section 17(a)(3) of the Act, Applicant has filed this application.

Section 6(c) of the Act, provides, in part, that the Commission, by order upon application, may 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 of any rule or regulation thereunder, if and to the extent 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.

Applicant states that the contemplated student loans will be made pursuant to the Guaranteed Student Loan Program ("Program"), which Program is administered under the provisions of Part B of Title IV of the Higher Education Act of 1965 [20 U.S.C. 1071, *et seq.*] and the regulations promulgated thereunder [47 CFR, part 177]. According to the application, in Minnesota loans made under the Program are made by commercial lenders (or, in cases where such private money is unavailable, by the Minnesota State Student Loan Program) and are guaranteed by the Higher Education Assistance Foundation ("HEAF"), a private, no-profit Minnesota corporation. Applicant further states that HEAF administers the Program in Minnesota and guarantees the repayment of 100 percent of the outstanding principal and accured interest to the lender for each such student loan. The application also states that the federal government reinsures loans guaranteed by HEAF for 80 to 100 percent of the loan principal and accrued interest, with the percentage varying according to the default rate in each year, and that HEAF must maintain sufficient reserves to cover that portion of default claims for which federal remibursement is not made. According to the application, these reserves consiste of advances from the federal government and insurance premiums collected from the borrowers at the time the student loans are made. The Applicant states that the student loans are available in amounts not to exceed $2,500 per year for undergraduate students and $5,000 per year for graduate students and that the aggregate amount for such loans cannot exceed $7,500 in the case of an undergraduate student and $15,000 (including all undergraduate loans) in the case of a graduate or professional student. According to the application the annual rate of interest on such student loans is currently 7 percent, as fixed by the Higher Education Act of 1965, but that to encourage lenders to participate in the Program, lenders receive a "special allowance" in order to ensure that the yield on the loans is competitive. The Applicant states that this "special allowance" is computed quarterly by the Secretary of Education (formerly the Secretary of Health, Education and Welfare) in consultation with the Secretary of the Treasury and other appropriate agencies, and is fixed at a rate of 3.5% below the average bond equivalent rated for 91-day Treasury bills sold during the quarter, rounded upward to the nearest ⅛th percent. The minimum repayment schedule, both as to amount and time, for such student loans is also fixed by the Higher Education Act of 1965.

Applicant is of the opinion that, because of the restrictions and circumstances cited above, and the conditions outlined below which Applicant has consented to, the requested exemption would not and could not result in overreaching on the part of affiliated persons, and that the investing public will continue to be fully protected from such overreaching. In this regard, Applicant notes that the stock of State Bank held by it is not deposited with its custodian as a qualified asset in order to satisfy its certificate reserve requirements under the Act, and thus states that the holders of Applicant's face-amount certificates are not dependent on the financial condition of State Bank for the security of their investments. Applicant is further of the opinion that the requested exemption is in the public interest in that it would permit children of officers, directors and employees of Applicant to obtain educational financing otherwise difficult to secure, and would permit State Bank to make guaranteed loans yielding competitive rates of return. Finally, Applicant states that the exemption requested is consistent with the exemptions previously granted by the Commission permitting the making of real estate loans by State Bank to its officers, directors and employees and to the officers, directors and employees of Applicant, and that the considerations bearing upon the determination of this application are not significantly different from those relative to the previous applications.

As conditions to the requested order, if issued pursuant to this application, Applicant consents to the following regarding any student loans made by

State Bank to the children of any officer, director or employee of Applicant:

1. The loans are to be student loans guaranteed and administered by HEAF and reinsured by the federal government pursuant to the statutory provisions and regulations of the Program.

2. State Bank shall not pay a finder's fee in connection with any loan covered by the requested order, nor shall Applicant pay to State Bank a fee for any such loans.

3. All loans covered by the requested order shall be made in accordance with the applicable State and/or Federal banking laws, including any applicable rules of the Federal Reserve Board.

4. All loans made pursuant to the requested order shall be issued only to those invididuals who are affiliated with State Bank by reason of their being children of officers, directors or employees of Applicant.

5. All loans, and the terms thereof, made pursuant to the requested order shall be in accordance with the normal lending policies of State Bank and shall not be inconsistent with any policies of State Bank or the Applicant.

6. Any guaranteed student loan to one individual, which when aggregated with all such previous student loans to such individual, exceeds $5,000.00 shall be approved by the Board of Directors of State Bank or by an executive committee thereof pursuant to delegated authority.

Notice is further given that any interested person may, not later than October 20, 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. 80-30349 Filed 9-30-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1932]

Alabama; Declaration of Disaster Loan Area

The following 66 counties and adjacent counties within the State of Alabama constitute a disaster area as a result of natural disaster as indicated:

County	Natural disaster(s)	Date(s)
Autauga	Drought and excessive heat.	7/1/80–8/29/80
Baldwin	Drought and excessive heat.	6/1/80–7/31/80
Barbour	Drought and excessive heat.	4/10/80–8/27/80
Bibb	Drought and excessive heat.	6/1/80–8/25/80
Blount	Drought and excessive heat.	5/26/80–8/25/80
Bullock	Drought and excessive heat.	6/15/80–8/20/80
Butler	Drought and excessive heat.	6/25/80–8/25/80
Calhoun	Drought and excessive heat.	6/1/80–8/11/80
Chambers	Drought and excessive heat.	6/30/80–7/17/80
Cherokee	Drought and excessive heat.	6/1/80–8/25/80
Chilton	Drought and excessive heat.	6/1/80–8/28/80
Choctaw	Drought and excessive heat.	6/1/80–8/14/80
Clarke	Drought and excessive heat.	5/21/80–7/31/80
Clay	Drought and excessive heat.	6/1/80–8/25/80
Cleburne	Drought and excessive heat.	6/1/80–8/26/80
Coffee	Drought and excessive heat.	5/23/80–8/26/80
Henry	Drought and excessive heat.	5/1/80–8/21/80
Conecuh	Drought and excessive heat.	6/1/80–8/14/80
Coosa	Drought and excessive heat.	7/1/80–8/12/80
Covington	Drought and excessive heat.	6/26/80–8/22/80
Crenshaw	Drought and excessive heat.	7/1/80–8/25/80
Cullman	Drought and excessive heat.	6/30/80–7/19/80
Dale	Drought and excessive heat.	7/1/80–8/24/80
Dallas	Drought and excessive heat.	6/1/80–8/10/80
DeKalb	Drought and excessive heat.	6/1/80–7/22/80
Elmore	Drought and excessive heat.	5/24/80–8/27/80
Escambia	Drought and excessive heat.	5/24/80–8/15/80
Etowah	Drought and excessive heat.	6/1/80–8/28/80
Fayette	Drought and excessive heat.	6/1/80–8/20/80
Franklin	Drought and excessive heat.	6/1/80–8/25/80
Geneva	Drought and excessive heat.	5/8/80–8/27/80
Greene	Drought and excessive heat.	6/15/80–8/13/80
Hale	Drought and excessive heat.	5/26/80–8/12/80
Houston	Drought and excessive heat.	6/1/80–8/20/80
Jackson	Drought and excessive heat.	5/26/80–7/30/80
Jefferson	Drought and excessive heat.	6/1/80–8/20/80
Lamar	Drought and excessive heat.	6/1/80–8/29/80
Lauderdale	Drought and excessive heat.	6/1/80–8/22/80
Lawrence	Drought and excessive heat.	6/15/80–8/22/80
Lee	Drought and excessive heat.	6/1/80–8/25/80
Limestone	Drought and excessive heat.	7/1/80–8/28/80
Lowndes	Drought and excessive heat.	6/1/80–8/13/80
Macon	Drought and excessive heat.	6/1/80–8/26/80
Madison	Drought and excessive heat.	6/1/80–8/25/80
Marengo	Drought and excessive heat.	6/20/80–8/21/80
Marion	Drought and excessive heat.	5/16/80–8/13/80
Marshall	Drought and excessive heat.	6/25/80–8/28/80
Mobile	Drought and excessive heat.	6/16/80–7/17/80
Monroe	Drought and excessive heat.	5/16/80–8/22/80
Montgomery	Drought and excessive heat.	6/15/80–8/25/80
Morgan	Drought and excessive heat.	6/22/80–8/22/80
Perry	Drought and excessive heat.	7/1/80–8/12/80
Pickens	Drought and excessive heat.	6/1/80–7/22/80
Pike	Drought and excessive heat.	6/15/80–8/19/80
Randolph	Drought and excessive heat.	6/15/80–7/20/80
Russell	Drought and excessive heat.	6/1/80–9/12/80
St. Clair	Drought and excessive heat.	6/25/80–8/12/80
Shelby	Drought and excessive heat.	6/22/80–8/14/80
Sumter	Drought and excessive heat.	6/23/80–8/28/80
Talladega	Drought and excessive heat.	5/25/80–8/20/80
Tallapoosa	Drought and excessive heat.	6/1/80–8/21/80
Tuscaloosa	Drought and excessive heat.	6/1/80–8/21/80
Walker	Drought and excessive heat.	5/28/80–8/20/80
Washington	Drought and excessive heat.	5/20/80–7/22/80
Wilcox	Drought and excessive heat.	6/1/80–8/21/80
Winston	Drought and excessive heat.	6/1/80–7/31/80

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 23, 1981, and for economic injury until the close of business on June 22, 1981, at:

Small Business administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated September 22, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-30466 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1920]

Indiana; Declaration of Disaster Loan Area

The following 6 counties and adjacent counties within the State of Indiana constitute a disaster area as a result of natural disaster as indicated below:

County	Natural Disaster(s)	Date(s)
Cass	Drought	6/16/80-8/1/80
Fulton	Drought	6/2/80-7/25/80
Newton	Drought	6/15/80-7/24/80
White	Drought	6/20/80-7/31/80
Porter	Drought	6/3/80-8/6/80
Jasper	Drought	6/15/80-7/24/80

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 16, 1981, and for economic injury until the close of business on June 16, 1981, at:

Small Business Administration, District Office, New Federal Building, 5th Floor, 575 North Pennsylvania Street, Indianapolis, Indiana 46204;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 16, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-30467 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1922]

Mississippi; Declaration of Disaster Loan Area

Humphreys and Sharkey Counties and adjacent counties within the State of Mississippi constitute a disaster area as a result of damage caused by thunderstorms, rain and flooding which occurred on July 21, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on Nov. 17, 1980, and for economic injury until the close of business on June 16, 1981, at:

Small Business Administration, District Office, New Federal Building, Suite 322, 100 W. Capitol Street, Jackson, Mississippi 39201;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1980.

William H. Hauk Jr.,

Acting Administrator.

[FR Doc. 80-30468 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5272]

Myriad Capital, Inc.; Issuance of a License To Operate as a Small Business Investment Company

On August 14, 1980, a notice was published in the **Federal Register** (45 FR 54165), stating that Myriad Capital, Inc., located at 8820 Sepulveda Boulevard, Suite 109, Los Angeles, California 90045, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1980), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business August 29, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-5272 to Myriad Capital, Inc., on September 16, 1980.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 24, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 30479-80 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1923]

New Hampshire; Declaration of Disaster Loan Area

The Town of Salem within the State of New Hampshire constitutes a disaster area because of damage and economic injury resulting from a fire which occurred on July 29, 1980.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 16, 1980 and for economic injury until the close of business on June 16, 1981 at:

Small Business Administration, District Office, 55 Pleasant Street, Room 211, Concord, New Hampshire 03301;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: September 16, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-30469 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1921]

Pennsylvania; Declaration of Disaster Loan Area

Allegheny County and adjacent counties within the State of Pennsylvania constitute a disaster area as a result of damage caused by thunderstorms and flooding which occurred on August 18, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 17, 1980, and for economic injury until the close of business on June 16, 1981, at:

Small Business Administration, District Office, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 16, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-30470 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1924]

Pennsylvania; Declaration of Disaster Loan Area

The area of Main and Center Streets in Shenandoah, Pennsylvania, constitute a disaster area as a result of a fire which occurred on January 8, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 20, 1980, and for economic injury until June 11, 1981, at:

Small Business Administration, District Director, 231 St. Asaphs Road, Suite 400, East Lobby, Bala Cynwyd, Pennsylvania 19004;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: September 11, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-30471 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1929]

South Carolina; Declaration of Disaster Loan Area

The following 39 counties and adjacent counties within the State of South Carolina constitute a disaster area as a result of crop losses due to natural disasters as shown:

County	Natural disaster	Date
1. Abbeville	Drought and high temperatures.	6/1-8/21/80
2. Allendale	Drought	4/1/-7/21/80
3. Anderson	do	6/1-8/5/80
4. Bamberg	do	4/15-8/12/80
5. Barnwell	Drought and high temperatures.	5/1-8/4/80
6. Beaufort	Drought	4/1-6/20/80
	Excessive heat	6/1-8/6/80
7. Calhoun	Drought	5/25-7/2/80
8. Cherokee	do	6/1-8/12/80
9. Chester	Drought and high temperatures.	5/1-8/25/80
10. Chesterfield	Drought	4/1-8/8/80
11. Clarendon	Drought and high temperatures.	7/-8/8/80
12. Darlington	do	6/1-8/7/80
13. Dillon	do	6/1-8/12/80
14. Edgefield	do	5/1-8/7/80
15. Fairfield	do	4/1-8/22/80
16. Florence	do	5/1-8/15/80
17. Georgetown	do	4/1-8/21/80
18. Greenville	do	6/1-8/14/80
19. Greenwood	do	6/15-8/20/80
20. Hampton	do	4/1-8/8/80
21. Horry	do	6/20-8/12/80
	Hail	5/20, 7/5, 7/10 and 8/9
	Disease (blue mold and blank shank).	4/1-8/13/80
22. Jasper	Drought	5/1-8/8/80
23. Kershaw	Drought and high temperatures.	5/15-8/15/80
24. Laurens	Drought	6/18-8/13/80
25. Lee	do	5/20-8/5/80
	High wind	7/15/80
	Extreme heat	7/15-8/5/80
26. Lexington	Drought and high temperatures.	6/1-8/14/80
27. Marion	do	4/1-8/15/80
28. Marlboro	do	6/1-8/15/80
29. McCormick	do	6/1-8/19/80
30. Newberry	Drought	4/15-8/4/80
31. Oconee	Drought and high temperatures.	6/10-8/14/80
	Hail Storm	6/1/80
32. Orangeburg	Drought	5/25-6/17/80
33. Pickens	Drought and high temperatures.	6/1-8/14/80
34. Saluda	do	5/1-8/7/80
35. Spartanburg	do	6/25-8/6/80
36. Sumter	do	5/1-8/13/80
37. Union	do	7/1-8/14/80
38. Williamsburg	Drought	6/17-8/6/80
39. York	Drought and high temperatures.	6/1-8/20/80

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 18, 1981, and for economic injury until June 8, 1981, at:

Small Business administration, District Office, 1835 Assembly Street, 3rd Floor, Columbia, South Carolina 29201;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 18, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-30472 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1915]

Tennessee; Declaration of Disaster Loan Area

The following 40 counties and adjacent counties within the State of Tennessee constitute a disaster area as a result of natural disaster as indicated:

County	Natural disaster(s)	Date(s)
Bedford	Drought	6/1/80-7/26/80
Bledsoe	Drought	5/22/80-7/16/80
Blount	Drought	6/15/80-8/7/80
Bradley	Drought	6/15/80-7/25/80
Campbell	Drought	5/28/80-8/7/80
Carroll	Drought	7/1/80-7/22/80
Cheatham	Drought	6/28/80-7/20/80
Coffee	Drought	6/1//80-7/24/80
Crockett	Drought	6/1//80-7/31/80
Cumberland	Drought	6/15/80-8/8/80
Dekalb	Drought	6/1//80-7/31/80
Gibson	Drought	5/1//80-7/31/80
Giles	Drought	6/15/80-7/25/80
Grundy	Drought	6/1//80-7/25/80
Hamilton	Drought	5/15/80-7/29/80
Hardeman	Drought	6/24/80-7/22/80
Haywood	Drought	6/18/80-7/18/80
Hickman	Drought	7/1/80-7/20/80
Humphreys	Drought	5/26/80-7/21/80
Knox	Drought	4/15/80-7/22/80
Lauderdale	Drought	6/27/80-8/28/80
Lincoln	Drought	5/20/80-7/22/80
McMinn	Drought	6/1/80-7/23/80
McNairy	Drought	7/1/80-7/22/80
Madison	Drought	5/20/80-7/21/80
Marshall	Drought	6/29/80-7/21/80
Meigs	Drought	5/28/80-7/22/80
Monroe	Drought	5/7/80-7/22/80
Obion	Drought	7/1/80-7/31/80
Polk	Drought	5/18/80-7/22/80
Putnam	Drought	5/17/80-7/25/80
Roane	Drought	6/2/80-9/4/80
Scott	Drought	5/30/80-7/30/80
Sequatchie	Drought	5/1/80-7/22/80
Shelby	Drought	6/28/80-7/25/80
Smith	Drought	6/15/80-7/31/80
Van Buren	Drought	5/26/80-7/25/80
Warren	Drought	5/17/80-7/22/80
Weakley	Drought	6/28/80-7/22/80
White	Drought	5/29/80-7/28/80

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 23, 1981, and for economic injury until the close of business on June 23, 1981, at:

Small Business Administration, District Office, Parkway Towers, Room 1012, 404 James Robertson Parkway, Nashville, Tennessee 37219;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 23, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-30473 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of Hato Rey, Puerto Rico, will hold a public meeting at 9 a.m., on Friday, November 14, 1980, at the Puerto Rico National Guard Officers Club, San Juan, Puerto Rico, to discuss such matters as may be presented by members, staff of the Small Business administration, or others attending.

For further information, write or call Wilfred Benitez-Robles, District Director, U.S. Small Business Administration, Federico Degetau Federal Building, Room 691, Carlos Chardón Avenue, Hato Rey, Puerto Rico 00918-(809) 753-4218.

Dated: September 24, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30487 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of New York, New York, will hold a public meeting at 2:00 p.m. on Tuesday, October 22, 1980, in Room 1400, U.S. Federal Building, 26 Federal Plaza, New York, New York, to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending.

For further information, write or call Andrew P. Lynch, Acting District Director, U.S. Small Business Administration, 26 Federal Plaza, New York, New York 10278 (212) 264-1318.

Dated: September 24, 1980.

Michael B. Kraft,

Director, Office of Advisory Councils.

[FR Doc. 80-30480 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Philadelphia, Pennsylvania, will hold a public meeting at 1:00 p.m. on Thursday, November 6, 1980 and 9:00 a.m. on Friday, November

7, 1980 at the Marriott Hotel, City Line at Monument Road, Philadelphia, Pennsylvania, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Willian T. Gennetti, District Director, U.S. Small Business Administration, Philadelphia District Office, One Bala Cynwyd Plaza, Suite 400-East Lobby, Bala Cynwyd, Pa., 19004–(215) 596–5801.

Dated: September 25, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30481 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council, Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Columbia, South Carolina, will hold a public meeting at 10 a.m., Monday, October 20, 1980, at the Capital Inn, 1901 Assembly Street, Columbia, South Carolina, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Vern F. Amick, District Director, U.S. Small Business Administration, 1835 Assembly Street, Room 358, Columbia, South Carolina 29202–(803) 765–5373.

Dated: September 23, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30482 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Wichita, Kansas, will hold a public meeting at 9 a.m., Friday, October 17, 1980, at the Mainplace Building, 110 East Waterman, Wichita, Kansas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Billy R. Wells, District Director, U.S. Small Business Administration, 110 East Waterman, Wichita, Kansas 67202—(316) 752–6566.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

Dated: September 24, 1980.

[FR Doc. 80-30483 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Helena, Montana, will hold a public meeting at 9:30 a.m., Thursday, October 23, 1980, at the office of the Small Business Administration located in the Federal Office Building, 301 S. Park, Room 528, Helena, Montana, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Frank D. Ray, District Director, U.S. Small Business Administration, Federal Building, 301 S. Park, Drawer 10054, Helena, Montana 59601—(406) 449–5381.

Dated: September 23, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30484 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, Utah, will hold a public meeting at 9:00 a.m., Friday, October 17, 1980, at the Alta Club, 100 East South Temple, Salt Lake City, Utah, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call C. Dale Randall, Deputy District Director, U.S. Small Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138—(801) 524–5804.

Dated: September 23, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30485 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Anchorage, Alaska, will hold a public meeting at 10:00 a.m., Friday, October 17, 1980, at the SBA Office, 1016 West Sixth Avenue, Suite 200, Anchorage, Alaska, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Frank D. Cox, District Director, U.S. Small Business Administration, 1016 W. Sixth Avenue, Suite 200, Anchorage, AK 99501—(907) 271–4022.

Dated: September 23, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30486 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0227]

Bow Lane Capital Corp.; Issuance of License to Operate as a Small Business Investment Company

On June 17, 1980, a notice was published in the **Federal Register** (45 FR 41109) stating that an application had been filed by Bow Lane Capital Corp., Suite 250, 2411 Fountainview, Houston, Texas 77057, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business July 2, 1980, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06–0227 on August 4, 1980, to Bow Lane Capital Corp., to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 23, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-30474 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-5147]

Broadcast Capital, Inc.; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of

the Regulations (13 CFR 107.102 (1980)), under the name of Broadcast Capital, Inc., 1771 N Street, N.W., Washington, D.C. 20036 for a license to operate in the District of Columbia as an SBIC, under the provisions of the Small Business Investment Act of 1958 (Act), as amended, (15 U.S.C. 661 *et seq.*).

The officers and directors of the Applicant are as follows:

Charles Beard, 1771 N Street, N.W., Washington, D.C. 20036
John F. Dille, Jr., 1771 N Street, N.W., Washington, D.C. 20036
Samuel D. Ewing, Jr., 1771 N Street, N.W., Washington, D.C. 20036
Erwin G. Krasnow, 1771 N Street, N.W., Washington, D.C. 20036
Nancy Marquez, 1771 N Street, N.W., Washington, D.C. 20036
Hector Salvatierra, 1771 N Street, N.W., Washington, D.C. 20036
Frank Savage, 1771 N Street, N.W., Washington, D.C. 20036
Donald A. Thurston, 1771 N Street, N.W., Washington, D.C. 20036
Paul E. VanHook, 1771 N Street, N.W., Washington, D.C. 20036
Wesley S. Williams, Jr., 1771 N Street, N.W., Washington, D.C. 20036
Broadcast Capital Fund, Inc., 100 percent

The Applicant will begin operations with a capitalization of $1,000,000, which will be a source of equity capital and long-term loans for qualified small business concerns.

The Applicant will conduct its operations principally in the District of Columbia.

As an SBIC under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, which are to provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns to persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may by October 16, 1980 submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in the District of Columbia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business investment Companies).

Dated: September 25, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-30475 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0409] Application for a License To Operate as a Small Business Investment Company

College Venture Equity Corp.;

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of College Venture Equity Corp., (Applicant) for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, and the Rules and Regulations promulgated thereunder.

The Applicant is incorporated under the laws of the State of New York, and it will commence operations with a capitalization of $620,000.

The Applicant will have its place of business at 654 Main Street, East Aurora, New York 14052, and it intends to conduct operations primarily in the Western area of the State of New York. Applicant expects to emphasize equity investments with particular attention to growth situations. The officers, directors, and ten percent (10%) or more stockholders of the Applicant will be:

Francis Michael Wiliams, 487 College Avenue, Niagara Falls, New York 14305, President—100%.

Robert Howard Finn, 172 College Street, Buffalo, New York 14201, Secretary, Director.

William John MacDougall, 664, 91st Street, Niagara Falls, New York 14304, Vice President, Director.

Matters involved in SBA's consideration of the Application include the general business reputation of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than October 16, 1980, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 23, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-30476 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5406]

Credi-I-F.A.C., Inc.; Issuance of a License To Operate as a Small Business Investment Company

On July 24, 1980, a notice was published in the **Federal Register** (45 FR 49425) stating that Credi-I-F.A.C., Inc., located at Banco Cooperative Plaza, Suite 1001, Hato Rey, Puerto Rico 00918, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1980) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business August 8, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 02/02-5406 to Credi-I-F.A.C., Inc. on September 11, 1980.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: September 24, 1980.

Peter F. McNeish,

Acting Association Administrator for Investment.

[FR Doc. 80-30477 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0231]

Energy Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On February 14, 1980, a notice was published in the **Federal Register** (45 FR 10108) stating that an application has been filed by Energy Capital Corporation, 300 Esperson Buildings, Houston, Texas 77002, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate at a small business investment company (SBIC).

Interested parties were given until the close of business February 29, 1980, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06–0231, on September 9, 1980, to Energy Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 25, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-30478 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Maximum Annual Cost of Money to Small Business Concerns

In 13 CFR 107.301(c) the SBA sets forth regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

Section 107.301(c) of 13 CFR does not supercede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective October 1, 1980, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 11.815% per annum.

Peter F. McNeish,

Acting Associate Administrator for Investment.

September 25, 1980.

[FR Doc. 80-30488 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

Optional Peg Rate

The Small Business Administration publishes on a quarterly basis an interest rate called the optional "peg" rate (13 CFR 120.3 (b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans.

For the October-December quarter of 1980, this rate will be ten (10) percent.

Dated: September 25, 1980.

Edwin T. Holloway,

Acting Associate Administrator for Financial Assistance.

[FR Doc. 80-30469 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

NIS Funding Corp.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An application for Eligibility Determination as a Small Business Lending Company has been filed by NIS Funding Corporation (Applicant), 34 South Broadway, White Plains, New York 10601, with the Small Business Administration pursuant to Section 120.4(b) of SBA Regulations (13 CFR 120.4(b) 1980), promulgated under the Small Business Act.

As a Small Business Lending Company (SBLC), under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns, in participation with SBA, and in accordance with applicable SBA Regulations; and, it will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of New York, and it will commence operations with an initial capitalization of $500,000. It intends to conduct its operations on a nationwide basis and to sell in the Secondary Market the SBA's guaranteed portions of loans made to small business concerns.

The Officers and Directors of the Applicant are:

Name and Title

Howard D. Blank, President and Director, 9 Kolbert Drive, Scarsdale, NY 10583.
Edward J. Landau, Vice President (Finance), Secretary and Director, Winfield Avenue, Harrison, NY 10528.
Stewart Schulein, Treasurer and Director, 14 Beaumont Drive, New City, NY 10956.

National Industrial Services Corporation, 34 South Broadway, White Plains, New York, 10601 is the parent of the Applicant and owns 100 percent of its outstanding common stock.

The Officers, Directors and Stockholders owning more than 10% of the outstanding shares of stock in the Parent are:

Name and Title

Howard Blank, President and Director, 9 Kolbert Drive, Scarsdale, NY 10583.
Edward J. Landau, Vice President (Finance), Secretary and Director, Winfield Ave., Harrison, New York 10528.
James M. Jacobson, 11.64% of stock, 25 Ocean Ave., Larchmont, New York.
Robert M. Lehr, Director, 888 Park Ave., New York, New York.
Joseph Fife, Director, 240 Cedar Ave., Hewlette Bay Park, New York.
Wallace B. Spielman, Director, 290 Elderfields Rd., Manhasset, New York.
Stewart Schulein, Treasurer, 14 Beaumont Drive, New York, New York 10956.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the Regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than 15 days from the date of publication of this Notice, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to: Wayne S. Foren, Director, SBLC Operations, Small Business Administration 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in White Plains, New York, as well as in the four (4) regional editions of the *Wall Street Journal.*

(Catalogue of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: September 24, 1980.

Rita M. McCoy,

Associate Administrator for Financial Assistance.

[FR Doc. 80-30490 Filed 9-30-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Debt Management Advisory Committees; Meetings

Notice is hereby given, pursuant to Section 10 of Pub. L. 92–463, that meetings will be held in Washington on October 28 and 29, 1980 of the following debt management advisory committees:

American Bankers Association Government Borrowing Committee
Public Securities Association U.S. Government and Federal Agencies Securities Committee

The agenda for the American Bankers Association Government Borrowing

Committee meetings provides for working sessions on October 28 and a report to the Secretary of the Treasury and Treasury staff on October 28.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meetings provides for working sessions on October 28 and a report to the Secretary of the Treasury and the Treasury staff on October 29.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92–463, and vested in me by Treasury Department Order 101–5 (May 16, 1979), I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the Untied States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Public Law 92–463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. of 552b.

Dated: September 26, 1980.

Roger C. Altman,

Assistant Secretary (Domestic Finance).

[FR Doc. 80-30367 Filed 9-30-80; 8:45 am]

BILLING CODE 4810-25-M

Comptroller of the Currency

[Docket No. 80-3]

Termination of Closed Receivership Fund; First Notice

Note.—The following document originally appeared in the **Federal Register** for Tuesday, September 16, 1980. It is reprinted in this issue at the request of the agency.

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of termination.

SUMMARY: Notice is given that all rights of depositors and other creditors of national banks placed in receivership on or before January 22, 1934, to collect liquidating dividends from the "closed receivership fund" shall be barred after October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Howard J. Finkelstein, Attorney, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1880.

SUPPLEMENTARY INFORMATION: Pursuant to section 723(a) of the Depository Institutions Deregulation and Monetary Control Act, Pub. L. 96–221 (March 31, 1980), notice is hereby given that all rights of depositors and other creditors of closed national banks to collect liquidating dividends from the "closed receivership fund" will be barred after October 7, 1981.

Prior to the assumption of closed national bank receivership functions by the Federal Deposit Insurance Corporation, the Comptroller of the Currency appointed individual receivers for all closed national banks pursuant to his authority under 12 U.S.C. 191–200. After settling the affairs of the closed banks and issuing final distributions to the creditors of the banks, the receivers transferred to the custody of the Office of the Comptroller of the Currency ("Office"), all remaining funds which represented distributions which were undeliverable or had not been presented for payment. The "closed receivership fund" ("fund") consists of the aggregation of undistributed liquidating dividends from national banks closed on or before January 22, 1934. Pub. L. 96–221, section 722(1). Due to the uncertain legal status of the fund, the Office sought clarification from Congress. Congress provided such clarification in sections 721–723 of Pub. L. 96–221 by establishing a procedure for the satisfaction or cancellation of all outstanding claims for liquidating dividends and the termination of the fund.

Under the provisions of the new law, the Office will publish notices in the **Federal Register** once each week for four consecutive weeks that all rights of depositors and creditors of the fund will be barred after twelve months following the last date of publication of such notice. This is the first such notice. During this twelve-month period, the Office will accept claims for liquidating dividends from the fund. A claim should consist of a Proof of Claim form received from the receiver at the time of the bank's closing or other acceptable evidence of an unsatisfied claim. Claims should be sent to the attention of Mr. Robert L. Teets, Finance and Planning Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219.

Following the close of the twelve-month period, all unclaimed dividends, together with income earned on liquidating dividends and other moneys remaining in the fund, will be covered into the general funds of the Office.

Dated: September 9, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-28545 Filed 9-29-80; 8:45 am]

BILLING CODE 4810-33-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 192
Wednesday, October 1, 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

[M-294, September 25, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 A.M., OCTOBER 2, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

MATTERS TO BE CONSIDERED:

1. Ratification of items adopted by notation.
2. Docket 36767, Miami/New Orleans-San Jose, Costa Rica Case, Opinion and Order (OGC)
3. Evaluation Report of Fiscal Year 1979's Compensated Public Participation Program. (Memo No. 9936, OMD)
4. Docket 38166, Air Traffic Conference agreement extending interline settlement mechanism to sales made outside the United States and to Both intra-Canadian air transportation and transborder traffic with Canada in anticipation of open commissions to agents in that country. (Memo No. 9942, BDA)
5. Dockets 26218 and 38573, Frontier Airlines' application and notice that it intends to continue its suspension of service at Stillwater, OK, indefinitely. (Memo No. 4436-G, BDA, OCCR)
6. Docket 38600, Air Florida's notice of intent, under section 401(j) of the Act, to terminate service at Panama City, Florida. (Memo No. 9937, BDA, OCCR)
7. Dockets 38333, 38334, NR-231—Mississippi Valley Airlines' petition for reconsideration of Order 80-7-176. (Memo No. 9815-A, BDA, OCCR)
8. Docket EAS-653, Appeal of Essential Air Transportation Determination filed by Macon, Georgia. (OGC, OCCR, BDA)
9. Docket 38575, Application of Western Airlines, Inc. for compensation for losses in providing essential air service at West Yellowstone, Montana, under Section 419 of the Federal Aviation Act of 1958, as amended. (Memo No. 9948, BDA,OGC, OCCR, OC)
10. Dockets 33361, 33362, and 33363, Former Large Irregular Air Service Investigation. (Memo No. 9931, BDA, BALJ)
11. Proposed NPRM to state clearly that no stop restrictions will be placed on domestic route authority granted after December 31, 1980. (Memo No. 9951, BDA, OGC)
12. Use of book depreciation in the determination of service mail rates. (Memo No. 9947, OGC, BDA)
13. Final Rule to Eliminate Part 243 of the Economic Regulations. (BDA, BIA, OGC, BCAA, BCP, OC, BALJ, OEA)
14. Docket 31044, Hazardous Articles Rules and Practices Investigation. (Memo No. 7210-D, OGC)
15. Docket 33363, Former Large Irregular Air Service Investigation; Dockets 37724 and 37725, Applications of Pacific American Air Lines; Order on Discretionary Review. (Memo No. 9939, OGC)
16. Docket 38330, United States-Jordan Show-Cause Proceeding; applications of Transamerica Airlines, Inc. in Docket 38423 and Global International Airways Corp. in Docket 38452 for U.S.-Jordan authority. (Memo No. 9710-B, BIA)
17. Docket 38331, Application of Herman Richard Reinhold d/b/a/ Stan's Flying Service for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft. (Memo No. 9945, BIA)
18. Dockets 37226 and 37227, Caribbean International Airways Limited's and Laker Airways Limited's applications for renewal of foreign air carrier permits for the transportation of persons, property, and mail to continue operations between certain points in the Caribbean and Washington/Baltimore and Boston. (BIA)
19. Docket 32660, IATA agreements proposing a sixth-round of fuel-related passenger fare increases as well as an increase in North/Central Pacific proportional fares. (Memo No. 9946, BIA, BDA)
20. Docket 32660, IATA agreement increasing all fares to and from Bulgaria and Rumania in order to recover increased passenger airport service charges. (BIA)
21. Docket 38643, Application of Japan Air Lines Company Ltd. for an exemption to provide emergency transportation for a stretcher patient and two attendants between Anchorage and New York. (BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1801-80 Filed 9-29-80; 12:04 pm]

BILLING CODE 6320-01-M

2

[M-293 Amdt. 5, September 25, 1980]

CIVIL AERONAUTICS BOARD.

Deletion of item from the September 24, 1980 meeting

TIME AND DATE: 2:00 p.m., September 24, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 14. Docket 38230, Southern Air Transport, Inc.—Petition for Board review of staff action and for formal investigation of staff handling of application. (Memo 9927, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202-673-5068).

[S-1802-80 Filed 9-29-80; 12:05 pm]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, October 10, 1980.

PLACE: 2033 K Street NW., Washington, D.C. 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1803-80 Filed 9-29-80; 12:26 pm]

BILLING CODE 6351-01-M

4

METRIC BOARD.

TIME AND DATE: 2 p.m., October 16, 1980; 8:30 a.m., October 17, 1980.

PLACE: The Neil House, Presidential Ballroom, 41 South High Street, Columbus, Ohio 43215.

STATUS: Open to the public except from 9:15 a.m. to 12:30 p.m. on Friday, October 17 during which time the Board will meet to discuss internal budget matters. This portion of the meeting is closed under exemption 5 U.S.C. 552b(c)(9)(B).

MATTERS TO BE CONSIDERED:

October 16

Approval of Agenda.
Review/approval of Minutes—August Board Meeting.
Reports. Each committee chairperson and senior staff will give a status report of activities within their jurisdiction.
National Council on State Metrication. A report on a meeting of State Metric Representatives held in Nashville, Tennessee on September 23-25, 1980.
Construction Conference Report. The National Institute of Building Sciences with

the cooperation of the American National Metric Council; the United States Metric Board, and the Center for Building Technology. National Bureau of Standards, is conducting a conference for those in the industry who are interested in metrication in housing and building. The meeting arrangements, agenda and related matters will be presented for the information of the Board. Meeting Format and Meeting Sites. Approval of meeting sites and format for fiscal year 1981.

October 17

Approval of Committee Chairmen. The Board will be asked to approve the appointments of Committee Chairmen in accordance with the United States Metric Board's Administrative Regulations.

Agenda Items for Future Board Meetings. Agenda items for the December Board Meeting.

Approval of fiscal year 1981 Financial Plan and Operating Plan. (closed session)

SUPPLEMENTARY INFORMATION: Notice of a Public Forum to be held by the U.S. Metric Board on October 16, 1980 which will provide individuals and groups the opportunity to comment on metric conversion appears elsewhere in this issue.

CONTACT PERSON FOR FURTHER INFORMATION: Ms. Lu Verne V. Hall, 703/235–1933.

Louis F. Polk,

Chairman, United States Metric Board.

[S–1798–80 Filed 9–26–80; 4:01 pm]

BILLING CODE 6820–94–M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of September 29, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Thursday, October 2:

10 a.m.

1. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (approximately 2 hours, closed—exemptions 2 and 6).

2 p.m.

1. Affirmation Session (approximately 10 minutes, public meeting).
   a. Indian Point (Cooling Towers).
   b. FOIA Appeal No. 80–A–28.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: September 25, 1980.

Walter Magee,

Office of the Secretary.

[S–1800–80 Filed 9–29–80; 12:03 pm]

BILLING CODE 7590–01–M

federal register

Wednesday
October 1, 1980

Part II

Department of the Interior

Fish and Wildlife Service

Listing the Red Lechwe (Kobus leche) a Threatened Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Listing the Red Lechwe (Kobus Leche) as a Threatened Species; Endangered and Threatened Wildlife and Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service hereby reclassifies the red lechwe (*Kobus leche*) from endangered status to threatened status pursuant to the Endangered Species Act of 1973. This action has been taken because surveys indicate that red lechwe populations are stable or increasing over much of their range and total numbers are such that endangered status is not appropriate. Since the red lechwe is on Appendix II of CITES, this reclassification under the Act will permit the import of legally taken sport-hunted trophies into the United States in accordance with the provisions of Section 9(c)(2) of the Act, 16 U.S.C. 1538(c)(2). No special regulations under the threatened category are deemed necessary or advisable for the conservation of the red lechwe.

DATES: This rule becomes effective on October 31, 1980.

ADDRESSES: Questions concerning this rule should be addressed to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: For further information on the final rule, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1979, the Service published a proposed rule to reclassify the red lechwe (*Kobus leche*) from endangered to threatened status under the Endangered Species Act of 1973. This proposal was published in the **Federal Register** (44 FR 67902), and the governments of each of the countries in which the red lechwe is resident were contacted and requested to submit relevant data and comments. The Service has now analyzed all available information and concludes that the red lechwe is a threatened species rather than an endangered species.

Summary of Data on the Status of the Red Lechwe

The red lechwe (*Kobus leche*) has been separated by systematists into three subspecies—the red lechwe proper, *k. l. leche Gray*, 1850; the black lechwe, *k. l. smithemani* Lydekker, 1900; and the Kafue lechwe, *k. l. kafuensis* Haltenorth, 1963. The species formerly ranged fron northern South West Africa and Botswana across the Caprivi Strip of South West Africa, throughout southeastern Angola and Zambia into southern Zaire, perhaps as far as Lake Mweru. Within this extensive area, the black subspecies (*smithemani*) was confined to the vicinity of Bangweulu Lake and the Chambeshi River in Zambia, and the Kafue subspecies (*kafuensis*) was found only along the flats of the Kafue (and perhaps the Lukanga) River in Zambia.

The nominate race has always had the most extensive distribution and is now generally common and widespread. It is well-managed and abundant in the Okavango Swamp, including the Moremi Game Reserve and along the Chobe River flats and the Chobe National Park in Botswana, and in the Busanga Swamp north of Kafue National Park in Zambia. It is common along the Cuito, Cubango and Longa Rivers in Angola which flow into the Okavango Swamp, but rare in both the Okavango and Chobe areas of the Caprivi Strip of South West Africa. North of there, it is thinly scattered in Angola to the Luando Reserve, the Canguadala National Park and eastward into Zaire. The black race is currently largely confined to the Bangweulu Lake region of Zambia; and the Kafue race is now found along the Kafue River flats in Zambia.

Since early in this century, all subspecies have undergone marked declines in number, attributed in part to uncontrolled market and subsistence hunting and in part to a decrease in habitat. The red subspecies is still reasonably abundant in the Okavango and Chobe areas, except along the Caprivi Strip in South West Africa. It has been reported that 250 lechwe occur in the Busanga and Masozhi areas; 150 on the Luswishi River; 500 on Chisenga Island; 1,000 on the Simaraba flats and unknown numbers elsewhere in Zambia. In 1966, however, no lechwe were seen on Chisenga Island, but 600 were observed in the Lukanga Swamp. By 1971, the Busanga flats populations had increased to 1,500 and to 3,000 in 1976. Other population estimates based on aerial surveys in 1976 were: Okavango Delta (Botswana), 30–40,000; Chobe River areas (Botswana), 10–15,000; and several thousand in the Okavango areas in Angola. The black subspecies was probably at its population low in the early 1950's, and since 1954, the count had not exceeded 15,000 until 1975 when Grunsdell and Bell of the Serengeti Institute reported an estimated 30,000 black lechwe in the Bangweulu Basin of Zambia (the estimate based on aerial surveys in 1976 was 20,000). The numbers of Kafue lechwe has stayed relatively stable since 1971 (90–100,000 on the Kafue flats in Zambia).

Lechwes live along the fringes of swamps or rivers, or on inundated floodplains, spending much of their day in the shallow water. Their long, narrow hooves are a special adaptation to their marshland habitat, and they are also strong swimmers. During the period of seasonal flooding, they move out onto the adjoining dry floodplains but return to the swamplands as soon as the waters recede. Much of the once extensive habitat of the lechwe has been destroyed by inundation from the construction of dams and reservoirs, or has been damaged by prolonged drought or the disappearance of permanent streams as a result of improper land use practices. However, there are thousands of square miles of original habitat remaining, which is adequate to support existing and future increased populations of all three races of the red lechwe.

The species is classed as a game animal and is protected from unrestricted hunting throughout its range. In practice, however, this protection has been difficult to enforce. The black subspecies has had total protection since 1945. The nominate subspecies, the red, is well protected in Chobe National Park and the Moremi Game Reserve of Botswana, and in the Busanga area of the Kafue National Park which also provides sanctuary for the Kafue race. Botswana and Zambia presently issue hunting licenses for lechwes, and both the red and the Kafue subspecies may be taken legally.

Until recently, the species received the protection given an Appendix I species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. At the Second Meeting of the Conference of the Parties to the Convention, held on March 19–20, 1979, in San Jose, Costa Rica, the lechwe was transferred, at the request of the Republic of Botswana, from Appendix I to Appendix II. This transferral reflected the Convention's view, based on data provided by Botswana, that the species was not now an Endangered species and more properly belonged in the less severely

restricted trade category of an Appendix II species.

Given the fact that red lechwe populations are stable or increasing over much of their range and that total population numbers are well in excess of 150,000 animals that are protected by national laws where they occur, the Service does not believe that the species as a whole is in danger of extinction which is a requisite for endangered classification.

The above information was derived primarily from a report prepared by Harry A. Goodwin, Consultant for Safari Club International, titled "A Report on the Status of the Lechwe," September, 1977. In preparing the report, Mr. Goodwin relied on the following sources:

Ansell, W. F. H. (1960). *Mammals of Northern Rhodesia.* Lusaka, Government Printer. 24 pp.

Bell, R. H. V., et al (1973). *Census of Kafue lechwe by aerial stratified samplings.* East African Wildlife Journal (11) 55–74.

Bothma, J. du P. (1975). *Conservation status of the larger mammals of southern Africa.* Biological Conservation (7) 87–95.

Decker, Eugene (28 July 1977). *Status of lechwe in southern Africa.* Memo to Safari Club International, Unpubl.

Dorst, Jean & Dandelot, P. (1970). *A field guide to the larger mammals of Africa.* London: Collins.

Estes, R. D. & R. K. Estes (1971). *The giant sable antelope (Hippotragus niger variani)* Thomas, 1916. Unpubl. Manuscpt.

Goodwin, H. A. & C. W. Holoway (1972). *Red data book* (revised edn.) Vol. I Mammalia. Heligraphia, Lausanne.

Grimsdell, J. J. R. & R. H. V. Bell (1972). *Population growth of red lechwe in the Busanga Plain, Zambia.* East African Wildlife Journal (10) 117–122.

Hill John E. & T. D. Carter (1941). *The mammals of Angola, Africa.* Bull. Amer. Mus. Natural History. 78 (1): 1–211.

Smithers, Reay H. N. (1966). *The mammals of Rhodesia, Zambia and Malawi.* London: Collins.

Smithers, Reay H. N. (1971). *The mammals of Botswana.* Museum Memoir 4, Salisbury: Trustees, National Museums of Rhodesia.

Tinley, K. L. (1966) *An ecological reconnaissance of the Moremi Wildlife Reserve, Botswana.* Okavango Wildlife Society, Cape Town.

Vesy-Fitzgerald, D. F. (1966), *Black lechwe census* (Dec. 1956) and *Ecology of the black lechwe* (May 1959). Black Lechwe 5 (4) 8–10, 21–22.

In addition to Mr. Goodwin's report, the Service has utilized the information presented by the Republic of Botswana to the Convention on International Trade in Endangered Species of Wild Fauna and Flora in support of its position that the lechwe should be moved from Appendix I to Appendix II of that Convention.

Reason for Threatened Status of the Red Lechwe. Despite the fact that the red lechwe does not appear to be endangered throughout a significant portion of its range, the Service believes that it is a theatened species. Section 4(a) of the Act states:

"General—(1) The Secretary shall by regulation determine whether any species is an endangered species or threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence." This authority has been delegated to the Director.

In the case of the red lechwe, factors (1) and (4) are still operational;

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.*

As stated earlier, lechwes live along fringes of swamps or rivers, or on inundated floodplains, spending much of their day in shallow water.

Africa is a rapidly developing continent, and many thousands of square miles of the extensive wetland habitat favored by the red lechwe have been destroyed by inundation due to the construction of dams and reservoirs, or have been damaged through drought or by improper land use. Although there are still thousands of square miles of wetland habitat remaining, the continuing development of the African nations over the next decade will undoubtedly result in the loss of many of the square miles remaining and constitutes a threat to the species.

(4) *The inadequacy of existing regulatory mechanisms.* Although the red lechwe receives "protection" in all countries where it occurs, and is listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, this "protection" is nominal at best. Wherever it occurs, the red lechwe has been hunted by the local people; in fact, such subsistence hunting has been a major factor in the decline of the species. Distances are vast, and agents to patrol are few. Enforcement of laws is virtually impossible and uncontrolled local hunting constitutes a threat to the surviving populations.

Summary of Comments and Recommendations

Three comments were received during the comment period on the reclassification of the red lechwe. All supported the reclassification as proposed.

Mr. J. James Froelick, Sayner, Wisconsin, stated that the red lechwe, at least in the Savuti and Kachikau concessions of Botswana, are flourishing and increasing and do not deserve the endangered classification. His opinion is based on hunting trips to the area and personal communication with professional hunters.

Mr. Peter T. Fletcher, past President of the California State Fish and Game Commission, recently traveled on extensive safari in Botswana and found the red lechwe widely distributed with good representation of all age classes. He supports the reclassification of the red lechwe based on personal observations and discussions with local people.

Mr. Ian Tanner, Executive Director, Wildlife Conservation Society of Zambia, commented on the current population status of the three subspecies of lechwe. He stated that *Kobus l. leche* has substantially protected populations in both Zambia and Botswana. *Kobus l. kafuensis,* found only in Zambia, is subjected to pressure from a peripheral cattle grazing industry, upstream damming, and to a lesser degree, poaching. He believes that a survey taken in 1975 showed a decline in numbers but that, because of the restricted range available, populations of this subspecies have attained a level sustainable for the habitat available. *Kobus l. smithemani* is found in both Zambia and Zaire. Mr. Tanner cited survey studies which indicated that lechwe numbers have increased throughout the 1970's. A sustainable yield management program has been envisaged and problems such as poaching and construction are thought to have minimal impact on overall populations.

Effect of the Rule

Section 9(c)(2) of the Endangered Species Act of 1973 states in part:

> Any importation into the United States of fish or wildlife shall, if * * * such fish or wildlife is not an endangered species listed pursuant to Section 4 of this Act but is listed in Appendix II of the Convention * * * be presumed to be an importation not in

violation of any provision of this Act or any regulation issued pursuant to this Act.

Since the red lechwe is on Appendix II of the Convention, Section 9(c)(2) will allow for the importation of live animals, and parts and products (including sport hunted trophies) without a permit issued specifically under the Act. However, Convention permits are still required and the importation cannot occur in the course of a commercial activity. In addition to the provisions of Section 9(c)(2) of the Act, the red lechwe will be subject to the prohibitions and exceptions set forth in 50 CFR 17.31–17.32.

National Environmental Policy Act

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

The primary author of this rule is Mr. John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

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

Regulations Promulgation

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

§ 17.11 [Amended]

1. Section 17.11 is amended by changing the classification of the red lechwe (*Kobus leche*) from endangered to threatened in the column marked "Status" as follows:

Species		Historic range	Vertebrate populaton where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Lechwe, red	*Kobus leche*	South West Africa/Namibia, Angola, Zambia, Botswana, Zaire.	Entire	T		NA	NA

Dated: September 25, 1980.

Ronald E. Lambertson,

Acting Director, Fish and Wildlife Service.

[FR Doc. 30356 Filed 9–30–80; 8:45 am]

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federal register

Wednesday
October 1, 1980

Part III

Department of the Interior

Fish and Wildlife Service

Listing of Eight North American Beetles, Withdrawal of an Expired Proposal

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Withdrawal of an Expired Proposal for Listing of Eight North American Beetles; Endangered and Threatened Wildlife and Plants

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 finalized within two years of the proposal. The amended Act also authorized a 1-year suspension of all withdrawals, until November 10, 1979. The time limit has expired for eight North American beetles which were proposed with Critical Habitat on August 10, 1978 (43 FR 35636–43). These species are Beller's ground beetle (*Agonum belleri*) (Endangered), the Sacramento anthicid beetle (*Anticus sacramento*) (Threatened), the globose dune beetle (*Coelus globosus*) (Threatened), the San Joaquin dune beetle (*Coelus gracilis*) (Threatened), the Mojave rabbitbrush longhorn beetle (*Crossidius mojavensis mojavensis*) (Endangered), Robinson's rain scarab beetle (*Phobetus robinsoni*) (Threatened), Andrews' dune scarab beetle (*Pseudocotalpa andrewsi*) (Threatened), and Giuliani's dune scarab beetle (*Pseudocotalpa giulianii*) (Threatened). Final rulemakings were completed for two of the species included in this proposal. The Delta green ground beetle (*Elaphrus viridis*) and the Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) were determined to be Threatened species, with Critical Habitat, on August 8, 1980 (45 FR 52803–10). This notice constitutes the withdrawal of the proposals to list the eight beetle species for which final rulemakings were not completed within the 2-year period following the date of proposal.

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, stated 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 the date of publicaton 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 the 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 2-year time limit on proposals and 1-year period on suspension of withdrawals which were established in this subsection have expired for Beller's ground beetle, the Sacramento anthicid beetle, globose dune beetle, San Joaquin dune beetle, Mojave rabbitbrush longhorn beetle, Robinson's rain scarab beetle, Andrew's dune scarab beetle, and Giuliani's dune scarab beetle. In accord with section 4(f)(5), these species were withdrawn on August 10, 1980. This action gives notice of this withdrawal.

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 25, 1980.

Ronald E. Lambertson,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-30389 Filed 9-30-80; 8:45 am]

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Wednesday
October 1, 1980

Part IV

Department of Energy

Southeastern Power Administration

Final Power Marketing Policy for Georgia-Alabama System of Projects

DEPARTMENT OF ENERGY

Southeastern Power Administration

Power Marketing Policy, Georgia-Alabama System of Projects

AGENCY: Department of Energy, Southeastern Power Administration (SEPA).

ACTION: Notice of issuance of Final Power Marketing Policy, Georgia-Alabama System of Projects.

SUMMARY: The Administrator has adopted the attached final power marketing policy for SEPA's Georgia-Alabama System of Projects. It will be effective upon publication in the **Federal Register** and will be applicable to the sale of system power in respective utility areas as then existing contracts, or necessary extensions, expire. The policy was developed in accordance with Procedure for Public Participation in the Formulation of Marketing Policy published in the **Federal Register** on July 6, 1978, 43 FR 29186.

Following a decision by the Administrator that a new written marketing policy for the Georgia-Alabama System of Projects was needed, a Notice of Intent to Formulate Power Marketing Policy was published in the **Federal Register** on February 16, 1979, 44 FR 10111. The Notice, among other things, solicited proposals and recommendations for consideration by SEPA. seventh-eight responses were received as a result of the Notice of Intent.

On October 16, 1979, a Proposed Power Marketing Policy for the Georgia-Alabama System of Projects was published in the **Federal Register**, 44 F.R. 59642, and the availability of a draft Environmental Assessment was announced and comments on both documents were solicited. thirty-five35 comments were received relative to the proposed policy itself, during public comment forums held in Atlanta, Georgia, and Columbia, South Carolina, on January 10 and January 24, 1980, respectively, or during the written comment period which ended February 19, 1980. No comments were received on the Environmental Assessment. Additionally eight consultations were held with representatives of interested entities or groups of entities.

On February 21, 1980, the Administrator appointed a Staff Committee to prepare a Staff Evaluation of all oral and written comments and responses received by SEPA. The Staff Evaluation was completed April 30, 1980.

Following the Staff Evaluation, the Administrator decided to modify in limited particulars the Proposed Power Marketing Policy published October 16, 1979, and to adopt the policy as modified.

SUPPLEMENTAL INFORMATION: The final marketing policy constitutes the guidelines which SEPA will follow in the future disposition of power from the system. The policy covers power from the existing Allatoona, Buford, Carters, Clark Hill, Hartwell, Jones Bluff, Millers Ferry, Walter F. George and West Point Projects and the Richard B. Russell Project now under construction. The policy establishes the marketing area for system power and deals with the allocation of power among area customers. It also deals with the handling of energy at pumped storage installations and the utilization of area utility systems for esstential purposes. The policy also deals with wholesale rates, resale rates and conservation measures.

Based on the Environmental Assessment of the proposed marketing policy, SEPA and DOE concluded that the proposed policy would not have a significant effect upon the quality of the human environment. The Final Marketing Policy is not modified sufficiently to alter this finding.

A recitation of the primary objections to the proposed marketing policy, brief explanations for rejecting those objections, and specific changes in the proposed marketing policy approved by the Administrator, precede the text of the final policy as adopted.

Issued at Elberton, Georgia, September 25, 1980.

Harry F. Wright,
Administrator.

Final Power Marketing Policy, Georgia-Alabama System of Projects

Introduction. The final marketing policy for SEPA's Georgia-Alabama System of Projects is the culmination of efforts which began on February 2, 1979. SEPA has followed the step by step requirements of its Procedure for Public Participation in Formulation of Marketing Policy published in the **Federal Register** on July 6, 1978, 43 F.R. 29186. Extensive public comment has been received and considered. This public input, offered in an orderly and timely fashion, has significantly contributed to the content of the final policy.

Purpose and Legal Authority. The purpose of the policy is to establish with public input written guidelines which SEPA will follow in the future to reasonably and equitably carry out the statutory requirements contained in Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s. SEPA's authority to formulate the policy and perform these functions is derived from Section 302(a) of the Department of Energy Organization Act, 42, U.S.C. 7152, and delegations pursuant thereto.

Reasons for Marketing Policy. Since its establishment in 1950, SEPA has utilized an ad hoc approach to power marketing. Resulting policy has been reflected in negotiated contractual documents. However, sometime before passage of the DOE Organization Act, SEPA recognized the need for more formal power marketing policy. Factors contributing to this need were major changes within the electric power industry, the steep rise in energy prices and the growing and increasing widespread interest in SEPA's limited resources. Additionally, contracts for portions of the power from the system were expiring and both existing and potential customers needed to know what SEPA planned to do with system power so that orderly power supply plans could be made. Furthermore, advice had been given that SEPA would reconsider certain entities interests in SEPA power expiration of contracts and availability of additional sources of power.

Primary Objections and Responses. A number of objections (or suggestions for change) were filed to the Proposed Power Marketing Policy as published in the **Federal Register** on October 16, 1979, 44 F.R. 59642. SEPA responses to the objection or suggestions follow:

1. *Objection.* Rather than maintaining four separate systems, SEPA should integrate its projects into one system with a marketing area covering the 10-state area (exclusive of the TVA service area) in which SEPA is authorized to market power. It is contended that (1) additional capacity and firm energy would result for sale to preference customers, (2) all preference entities within the region (outside the TVA area) would be included in the SEPA marketing area and should be the recipient of an allocation of power and (3) a single marketing policy would suffice.

Response. At the outset of policy review, SEPA considered the possibility of combining its systems. The idea was found to be impractical, the concept unmanageable, and the approach unproductive. The task of hydraulically and electrically combining the widely separated systems would first of all have been Herculean in nature and impractical of achievement. Secondly, the possibility of increasing the dependable capacity available to SEPA

through integration of the systems is theoretically very limited inasmuch as the dependable capacity of the respective systems is already (in the case of the Georgia-Alabama, Kerr-Philpott and Jim Woodruff systems) or predicted (in the case of the Cumberland System) to be very substantiallly in excess of the nameplate rating of the machines and already very near the machine limits which the Corps of Engineers will allow for sustained generation. Thirdly, SEPA's existing resources represent only about 3 percent of the region's capacity requirements and 1.5 percent of its energy requirements, and of the region's preference entity requirements only about 8 percent and 5 percent, respectively. To attempt to spread the limited resources so thinly would exceed the bounds of practicality and would constitute unsound business principles. And, with only limited additional resources available in the foreseeable future, the precentages of preference load which SEPA could serve could only get smaller and smaller.

Additionally, there exist marketing problems in the respective system areas which are not common to all system areas, mitigating against a single marketing policy.

Finally, since SEPA has rejected the single system concept and adopted a four system approach, it is neither necessary nor appropriate to here respond to the contention that TVA and its service area and preference customers outside the 10-state area now served by SEPA should be eliminated from SEPA's marketing program. Rather, these matters shall be appropriately addressed in the development of policy for other systems.

2. *Objection.* The proposed policy is objected to in that it does not provide the most value to preference customers, the southeastern region of the United States, and affected utility service areas while achieving the goals of (1) conservation, (2) reducing the nation's dependence upon oil imports, and (3) fostering power pooling.

Response. The policy's goal is to sell all available power to preference entities in a widespread geographic area and to as many preference entities within such area as choose to purchase SEPA power consistent with the other marketing principles set forth in Section 5 of the Flood Control Act of 1944, taking into account SEPA's relatively limited resources. SEPA's projects are located in areas of predominantly coal-fired generation. The suggestion that the power should be marketed in utility areas utilizing predominantly oil-fired generation is impractical for a number of reasons, including: (1) these oil burning utility areas, located in Western Mississippi, Peninsular Flordia, Virginia and northeastern North Carolina, are up to 600 miles distant from the Georgia-Alabama System of Projects and are several utilities removed from the source of power, (2) the movement of the power through the multiple systems would involve transmission losses and costs which would cause apparent additional savings to dissipate, and (3) the projects operating efficiency would be adversely affected in that they were not planned to be dispatched against those area loads. The inherent idea that SEPA's power could and should be considered a floating ingredient in the southeast region being moved at a given time to utility areas having highest costs is incongruous with the principles under which SEPA operates and is grossly impractical.

SEPA power available from the Georgia-Alabama System is primarily peaking power. The projects providing this power were authorized, planned, constructed, and are available for marketing under the concept that the overall value of the power produced derived principally from the capacity component of the power by saving the cost of construction of other power sources in the area. While the energy component contributes to overall project values, it contributes less than the capacity component.

Furthermore, the capacity values are dependent upon the elimination of construction of other power units, and these values are fully realized only when area power planning takes into account the available hydrocapacity and provides for construction of other generation on this basis. Capacity shifted from one area to another can have very little value in the new area for a period of years.

Concerning conservation, hydro projects produce electrical energy from streamflows which are otherwise wasted. The energy must, within defined limits, be generated when available and is most efficiently used with other types of generating resources. While the flexibility of hydro generation contributes in numerous ways to the efficient operation of a system of which it is a part, including at times, the saving of oil, its very nature requires that it be timely exploited and conservation measures should be directed toward reducing the installation and operation of other types of generation.

As to power pooling, SEPA's minority position in the region's power production, plus its non-ownership of transmission facilities, restricts its ability to promote power pooling. SEPA's opportunities lie in taking advantage of such power pooling as may exist in the furtherance of its program.

3. *Objection.* Contrary to the proposed policy, all preference entities throughout the southeast region should receive an allocation of SEPA power and preference entities not now served by SEPA should be treated the same as existing preference customers, except for perhaps a changeover period, during which time presently unserved entities should receive all new capacity and energy which becomes available. The only exceptions to the equal treatment policy should be in those few circumstances where existing preference customers can show a strong reliance on the power or equitable considerations.

Response. This approach to SEPA policy making would have a radical impact upon existing customers and SEPA's marketing program. There are approximately 570 public bodies and cooperatives in the 10 southeastern states. They had combined 1978 loads in excess of 36,000 megawatts and 156 million megawatt-hours. In 1978 (and today), SEPA serves about 190 preference customers. SEPA's 1978 resources of 2,712 megawatts of nameplate capacity and approximately 7 billion kilowatt-hours of average annual energy would have equated to only about 8 percent of the capacity requirements and less than 5 percent of the energy requirements of preference entities in the 10-state region. By 1985, even with the addition of the Richard B. Russell Project and the fifth unit at Hartwell (the only new power available during policy period), SEPA's projected resources of approximately 3,092 megawatts of nameplate capacity and 7.5 billion kilowatt-hours of average annual energy will serve only a declining percentage of preference customer requirements. SEPA's resources are simply too limited in relation to requirements to embark upon such a proposal.

Since the initial establishment of a marketing area for the fledgling Georgia-Alabama System in the mid-fifties, SEPA has progressively enlarged its marketing area and increased the number of preference customers served. Once a seller-preference customer relationship was established, SEPA has never unilaterally terminated such a relationship. Nor has SEPA ever reduced a regular preference customer's allocation once established. It has brought all of the projects in the Savannah, Apalachicola and Alabama-Coosa River Basins into a system and has pushed the boundaries of the marketing area as far from the projects

as the amount of power available would warrant when considered in relationship to customer demand and other practical and relevant factors. SEPA has sought to include all eligible preference entities within the selected marketing area with an equitable distribution of whatever new power was available for sale at a given point in time. In SEPA's judgment, the final policy deals equitably with existing and potential customers with respect to both presently available and new power.

As to the contention that only a few specified preference customers have compelling arguments to retain existing allocations, SEPA doubts that any one existing customer could make an argument more compelling than any of the others.

One course of action for preference entities located remote from existing Federal projects, if they desire the Federal Government as a source of power supply, would be to seek the authorization and construction of projects favorably located.

4. *Objection.* SEPA's proposed policy failed to provide for the allocation of capacity, without energy, for those preference customers desiring such an allocation.

Response. In the past, for a number of reasons, it was not possible to develop arrangements whereby preference customers could physically and economically utilize all of SEPA's peaking capacity, resulting in the sale of a portion of the capacity without energy to some of the private utilities. Because of changed or changing circumstances in the power industry, SEPA's proposed policy set the goal of selling all available SEPA power to preference entities. The idea of selling capacity without energy was not considered practical when the proposed policy was issued and remains untested. SEPA is not adverse to exploring the feasibility of the concept where equitable distribution of available power to preference customers warrants. However, since it is possible to achieve an equitable and desirable distribution of available power on a reasonably timely basis within the Georgia-Alabama System marketing area without further consideration of the concept the final policy for this system does not embrace it.

5. *Objection.* It is improper not to include the complete Duke Power Company service area within the Georgia-Alabama System marketing area.

Response. Basically the marketing area selected by SEPA is within 150 miles of the projects, the only relaxation being to include one customer in Mississippi, one in Georgia and three in South Carolina. And, all of these are presently customers of SEPA. To extend SEPA's marketing area throughout the Duke service area would require an extension beyond the selected 150 miles from the Savannah River Projects of approximately another 100 miles. Within this additional area are delivery points of eleven preference entities, eight cooperatives and three municipalities, having combined loads in 1978 of approximately 500 megawatts. To extend the radius circles here another 100 miles would make plausible requests to likewise extend the circles up to 250 miles to include a portion of the CP&L area in North Carolina, and to include western Mississippi and a portion of Florida not now included. This would be followed by the argument that these partially served utility areas should be completely served. Indeed, as hereinafter considered, preference entities in all of these utility areas advocate their respective inclusion in SEPA's Georgia-Alabama marketing area. SEPA's limited resources do not justify such vast extensions. The selected marketing area covers 152,000 square miles and contains some 204 eligible preference entities.

6. *Objection.* It is improper to exclude the unserved portions of Western Mississippi, Peninsular Florida and North Carolina and Virginia from the marketing area.

Response. As stated in previous responses, preference customer demand far exceeds the amount of power SEPA has for sale. A selective process is accordingly, necessary. The total 1978 preference load within the selected marketing area approximated 7,400 megawatts and 31,130 megawatt-hours. SEPA's installed generation in 1978 in its Georgia-Alabama System totaled 1,550 megawatts with an estimated 3,223 megawatt-hours of average annual energy. Additional generation under construction is limited. In SEPA's opinion no area listed in the objection is more or less favorably situated than any other. In SEPA's judgment there is no basis for treating any one of the named areas differently from any other. Located in the unserved areas listed in the objection are preference entities which had 1978 loads of approximately 8,100 megawatts and 34,800 megawatt-hours. It is no simple matter to obtain satisfactory wheeling and marketing arrangements and the difficulty increases with distance from power sources and the number of intervening transmission utilities. Reasonable justification for spreading the limited power so thinly does not exist. Furthermore, these areas are beyond the reasonable orbit of the power.

7. *Objection.* The preference entities in the South Carolina Electric & Gas Company service area should be given allocations from new sources so as to give them equality with existing customers in the eastern portion of the marketing area.

Response. It is contended that these customers were not previously offered SEPA power and should therefore be distinguished from those preference entities in the Duke area who previously refused SEPA power. While this argument has some merit and perhaps could have been an important factor in determining an allocation to these customers under the initially proposed policy, the treatment of new customers under the finally adopted policy provides equity where all new customers—whether located in the Duke or South Carolina Electric & Gas Company service area—are treated in the same way. Under the finally adopted policy, the new customers located in the South Carolina Electric & Gas service area will be allowed to share in existing Hartwell Project power now purchased by Duke Power Company in addition to power available from the 5th Hartwell unit and Russell Project power.

8. *Objection.* SEPA's proposed policy fails to take into account anti-competitive effects of treating cooperative preference entities differently from municipal preference entities.

Response. There is no resulting difference in treatment of cooperatives and public bodies (individually or as a class) in any utility service area within SEPA's proposed marketing area except in the Duke Power Company service area. The different treatment arises from the fact that a number of municipalities in the Duke area elected not to purchase SEPA power previoulsy offered them from the Hartwell and Clark Hill Projects. It is proposed that preference entities not now served in the marketing area share equitably in any new power with existing customers.

Furthermore, SEPA does not believe there is perceptible class competition in the Duke area between cooperatives and municipalities. While there may be limited individual cooperative-municipal competition, the relatively small percentage of SEPA power which goes to its customers would not constitute such an advantage as to be the determining factor in attracting customers to particular systems.

9. *Objection.* Preference customers lack assurance that they can make meaningful and timely input into SEPA negotiations with wheeling agents.

Response. SEPA's proposed policy provides for such input. The concern is that vital decisions by SEPA might be made before preference customers are actually involved, foreclosing proper consideration of preference customer positions. To make SEPA's intent clear that the timely, effective input of preference customer is desired, the final policy has been revised to insure that preference representatives are identified at the outset and are afforded the opportunity throughout negotiations to consult with and offer advice to SEPA.

10. *Objection.* SEPA should not impose a mandatory conservation program on preference entities as a condition for doing business with SEPA or for other reasons.

Response. Conservation of electricity by all ultimate consumers is an important national goal. There is no overt opposition to the concept of conservation. However, there is strong objection from preference entities to SEPA imposing specific conservation requirements as a prerequisite to a power contract with SEPA. At this point, SEPA plans to provide its customers with technical assistance where needed to develop and implement energy conservation programs and the policy provides that customers will agree to finance and take reasonable measures to encourage the conservation of energy by ultimate consumers.

Changes in Proposed Marketing Policy

The final policy reflects the following changes in the proposed policy published October 16, 1979:

The introductory section (*General*) has been revised to make the final policy effective upon publication in the **Federal Register**, and established its applicability to the sale of power in respective utility areas as then existing contracts, or necessary extensions, expire.

The substance of the *Allocations of Power* section has been revised so that existing preference customers within the selected marketing area will be allowed to retain present allocations of both capacity and energy and to allow new preference customers in the eastern portion of the marketing area commencing with the combined availability of power from the 5th Hartwell unit and the Russell Project to equitably share with existing customers in that power and with existing customers on the Duke system in capacity presently sold to Duke Power Company. Prior thereto the policy provides for the latter capacity to be sold to existing preference customers served from the Duke system. The policy also provides that iterim sales of power will be in the discretion of the Administrator.

Finally, the last sentence of the section labeled *Utilization of Utility Systems* is revised to insure that representatives of directly affected preference customers will from the outset of negotiations with wheeling entities be allowed to consult with and offer advice to SEPA.

Final Power Marketing Policy, Georgia-Alabama Projects

General. The projects and power subject to this policy are:

Projects	Capacity (kW) (name-plate)	Energy (MWH) (average annual)
Allatoona	74,000	157,000
Buford	86,000	196,000
Carters	500,000	[1] 201,000
Clark Hill	280,000	751,000
Hartwell	[2] 344,000	493,000
Jones Bluff	68,000	352,000
Millers Ferry	75,000	409,000
Walter F. George	130,000	451,000
West Point	73,375	213,000
Richard B. Russell [3]	300,000	464,000

[1] Does not include energy from pumping operation.
[2] Includes 80,000 kW 5th unit, availability scheduled 1983.
[3] Does not include pumping units; conventional units availability scheduled 1984.

There will be one policy for the Georgia-Alabama System of Projects progressively implemented. It will become effective upon publication in the **Federal Register** and will be applicable to the sale of system power in respective utility areas as then existing contracts, or necessary extensions, expire. The sale of power in the South Carolina Electric & Gas Company service area (wherein SEPA does not presently sell power) will commence with the combined availability of power from the 5th Hartwell unit and the Russell Project.

The policy will be implemented through negotiated contracts for terms not to exceed 10 years.

Transmission facilities owned by utilities within the marketing area will be used for all necessary purposes including transmitting power to load centers. Deliveries may be made at the projects, at utilities interconnections or at customer substations, as determined by SEPA. The projects will be hydraulically, electrically and financially integrated and will be operated to make maximum contribution to the power supply of the selected utility areas. Preference in the sale of the power shall be given to public bodies and cooperatives.

Marketing Area. The marketing area shall consist of two parts, with the Savannah River being the dividing line. The portion west of the river shall consist of the approximate 112,000 square mile area generally known as the service areas of the Georgia, Alabama, Mississippi and Gulf Power Companies or the Southern Company service area. The portion east of the river shall consist of the approximate 40,000 square mile area generally known as the service areas of the South Carolina Public Service Authority and the South Carolina Electric and Gas Company plus that portion of the Duke Power Company's service area within a radius of 150 miles of the Clark Hill, Hartwell and Russell projects. The 204 eligible public bodies and cooperatives which now exist within the 152,000 square mile area are listed in Appendix A attached hereto.

Allocations of Power. Approximately one-half of the output of each of the projects, Clark Hill, Hartwell and Russell will be allocated on a long-term basis to customers located in the eastern portion of the maketing area. The Remainder of system power will be allocated on a long-term basis to customers in the western portion of the area. Power from the 5th Hartwell unit and the Russel Project will be considered on a combined basis for long-term marketing. Except where duplication of allocation would result, each public body and cooperative within the marketing area as shown on Appendix A will be entitled to an allocation of power.

Existing preference customers within the marketing area will be entitled to retain their present allocations of capacity and energy. It is SEPA's goal to allocate all available and usable system power to preference customers including the capacity presently being sold to Duke, Georgia, Alabama, Mississippi and Gulf Power Companies, provided viable and acceptable marketing arrangements can be secured.

Accordingly, all existing capacity presently allocated to the western portion of the marketing area and presently under contract to private utilities will be allocated to existing distribution preference customers of SEPA (there being no new customers) to the maximum extent feasible and practical, in proportion to existing energy allocations. Energy from the 5th Hartwell unit and the Russell Project (combined) allocated to the western portion of the area will be allocated to preference customers (including the two G and T cooperatives) on the basis of loads, and, to maintain common load factors for all distribution preference customers, capacity from these new

sources will be allocated to such distribution customers based on their respective energy allocations from SEPA.

Subsequent to the availability of power from the 5th Hartwell unit and the Russell Project, new preference customers located in the SEPA portion of the Duke Power Company service area and in the South Carolina Electric & Gas Company service area will be entitled to share equitably based on loads with existing preference customers (in the Duke area) in capacity presently being sold to Duke Power Company; and, all customers, both existing and new, in the eastern portion of the marketing area will be entitled to share equitably based on loads in energy from the 5th Hartwell unit and the Russell Project. To maintain common load factors for new customers as a class, existing customers served from the Duke system as a class and existing distribution customers on the SCPSA system as a class, capacity from respective sources will be allocated based on energy allocations from SEPA.

Prior to the availability of power from the 5th Hartwell unit and the Russell Project (1) all existing capacity delivered to the Duke system will be allocated to existing preference customers served from that system to the maximum extent feasible and practical, in proportion to existing energy allocations and (2) existing allocations of capacity and energy to preference customers in the South Carolina Public Service Authority area will be continued.

Interim sales of power will be in the discretion of the Administrator.

Energy from Pumped Water. SEPA will utilize its combination pump-storage and generation resources to produce high-value peak energy through utilization of lower-value off-peak steam energy and may arrange for such pumping energy either through purchase or exchange agreement at its election. Should the purchase alternative be selected, SEPA will obtain pumping energy from utilities offering the best terms. Should the exchange alternative be selected, pump-storage operations will be handled with public bodies, cooperatives and the utilities in a manner not involving the direct purchase and sales approach, with preference given to public bodies and cooperatives. Should pump-storage units be installed at Russell Project during the tenure of contracts implementing this policy, SEPA will allocate two units to the western division of the marketing area and two to the eastern division, with the latter assigned one to the SCPSA and SCE&G areas and one to the Duke area.

Utilization of Utility Systems. In the absence of transmission facilities of its own, SEPA will use area generation and transmission systems to integrate the Government's projects, provide firming, wheeling, exchange and backup services and such other functions a may be necessary to dispose of system power under reasonable and acceptable marketing arrangements. Utility systems providing such services shall be entitled to adquate compensation. Specific terms and conditions of all such arrangements shall be the subject of negotiations between SEPA and the generation and transmission utilities providing the services. Individual preferred agencies directly affected by the negotiations shall through representatives selected at the outset of negotiations be kept currently advised as to the status and progress of negotiations and allowed to consult with and offer advice to SEPA.

Wholesale Rates. Rate schedules shall be drawn so as to recover all costs associated with producing and transmitting the power in accordance with then current repayment criteria. Production costs will be determined on a system basis and rate schedules will relate to the integrated output of the projects. Rate schedules may be revised periodically.

Resale Rates. Resale rate provisions requiring the benefits of SEPA power to be passed on to the ultimate consumer will be included in each SEPA customer contract which provides for SEPA to supply more than 25 percent of the customers total power requirements during the term of the contract.

Conservation Measures. Each customer purchasing SEPA power shall agree to finance and take reasonable measures to encourage the conservation of energy by ultimate consumers.

Appendix A—Preference Agencies in the Georgia-Alabama System Area

Distribution-Type Preference Agencies

Western Area

Alabama

Alexander City, Andalusia, Brundidge, Dothan, Elba, Evergreen, Fairhope, Foley, Hartford, LaFayette, Lanett, Luverne, Opelika, Opp, Piedmont, Robertsdale, Sylacauga, Troy, Tuskegee, Baldwin County EMC, Black Warrior EMC, Central Alabama EC, Clarke-Washington EMC, Coosa Valley EC, Covington EC, Dixie EC, Pea River EC, Pioneer EC, South Alabama EC, Southern Pine EC, Tallapoosa River EC, Tombigbee EC, Wiregrass EC.

Florida

Choctawhatchee EC, Escambia River EC, Gulf Coast EC, West Florida ECA.

Georgia

Acworth, Adel, Albany, Barnesville, Blakely, Brinson, Buford, Cairo, Calhoun, Camilla, Cartersville, College Park, Commerce, Covington, Dalton, Doerun, Douglas, East Point, Elberton, Ellaville, Fairburn, Fitzgerald, Forsyth, Fort Valley, Grantville, Griffin, Hampton, Hogansville, Jackson, LaFayette, LaGrange, Lawrenceville, Mansfield, Marietta, Monroe, Monticello, Moultrie, Newnan, Norcross, Palmetto, Quitman, Sandersville, Sylvania, Sylvester, Thomaston, Thomasville, Washington, West Point, Whigham, Crisp County Power Comm., Altamaha EMC, Amicalola EMC, Canoochee EMC, Carroll EMC, Central Georgia EMC, Coastal EMC, Cobb EMC, Colquitt EMC, Coweta-Fayette EMC, Douglas County EMC, Excelsior EMC, Flint EMC, Grady County EMC, Habersham EMC, Hart County EMC, Irwin County EMC, Jackson EMC, Jefferson EMC, Lamar EMC, Little Ocmulgee EMC, Middle Georgia EMC, Mitchell EMC, Ocmulgee EMC, Oconee EMC, Okefenoke Rural EMC, Pataula EMC, Planters EMC, Rayle EMC, Satilla Rural EMC, Sawnee EMC, Slash Pine EMC, Snapping Shoals EMC, Sumter EMC, Three Notch EMC, Tri-County EMC, Troup County EMC, Upson County EMC, Walton EMC, Washington EMC.

Mississippi

Coast EPA, Dixie EPA, East Mississippi EPA, Pearl River Valley EPA, Singing River EPA, Southern Pine EPA.

Eastern Area

North Carolina

Bostic, Cherryville, Concord, Cornelius, Dallas, Drexel, Forest City, Gastonia, Granite Falls, Huntersville, Kings Mountain, Landis, Lincolnton, Maiden, Monroe, Morganton, Newton, Pineville, Shelby, Stateville, Blue Ridge EMC, Crescent EMC, Haywood EMC, Pee Dee EMC, Rutherford EMC, Union.

South Carolina

Abbeville, Bamberg, Clinton, Due West, Easley, Gaffney, Georgetown, Greenwood, Greer, Laurens, McCormick, Newberry, Orangeburg, Prosperity, Seneca, Rock Hill, Union, Westminster, Winnsboro, S.C. Public Service Auth.[1], Aiken EC, Berkeley EC, Black River EC, Blue Ridge EC, Broad River EC, Coastal EC, Edisto EC, Fairfield EC, Horry EC, Laurens EC, Little River EC, Lynches River EC, Marlboro EC, Mid-Carolina EC, Newberry EC, Palmetto EC, Pee Dee EC, Santee EC, Tri-County EC, York EC.

Publicly-Owned Wholesale Power Supply Agencies

Western Area

Alabama Electric Cooperative, Municipal Electric Authority of Georgia, Oglethorpe Power Corporation (Georgia), South Mississippi Electric Power Association.

Eastern Area

Central Electric Power Cooperative (S.C.), North Carolina Municipal Power Agency No. 1.

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[1] Also operates generation and transmission facilities and serves at wholesale.

federal register

Wednesday
October 1, 1980

Part V

General Services Administration

Changes to Federal Travel Regulations

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. A-11, Supp. 11]

Changes to Federal Travel Regulations

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation amends the Federal Travel Regulations to (a) increase the per diem and actual subsistence expense allowances, (b) increase the mileage reimbursement rate for use of privately owned vehicles under certain circumstances, (c) delete those areas that no longer qualify as designated high rate geographical areas (HRGA's) because of a higher per diem rate, designate additional HRGA's, and increase the maximum daily actual subsistence expense rates and/or redefine the boundaries of certain existing HRGA's, and (d) increase the per diem allowance for travel aboard the Alaska Ferry System.

This regulation implements Pub. L. 96-346 which increased maximum travel allowances for Federal civilian employees.

DATES: Effective date: October 5, 1980.

Expiration date: July 1, 1981, unless superseded or canceled.

Comments due by: December 5, 1980.

ADDRESS: Comments should be addessed to: General Services Administration (TT), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT: Mrs. Phyllis Hickman, Federal Travel Management Division (202-275-0651).

SUPPLEMENTARY INFORMATION: Pub. L. 96-346, dated September 10, 1980, increases the statutory maximum travel allowances by amending subchapter 1 of chapter 57 of title 5 of the United States Code (5 U.S.C. 5701-5709). The results of the investigations submitted to the Congress on March 24, 1980, were implemented in FPMR Temporary Regulation A-11, Supplement 9, effective April 20, 1980, to the extent possible within statutory limitations imposed by the Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975).

A more recent cost investigation has been conducted, and the results of the investigation as reported to the Congress are reflected in this supplement.

The General Services Administration (GSA) in submitting the results of its latest investigations to the Congress on September 26, 1980, indicated that the governing regulations would be amended within 30 days. Mr. Allan W. Beres, Commissioner, Transportation and Public Utilities Service, General Services Administration, has determined that in view of this commitment and the enactment of Pub. L. 96-346, it is impossible to comply with all the requirements of Executive Order 12044 of March 23, 1978. However, GSA has complied with the Executive order to the extent possible within the time limitations stated herein.

Various agencies recommended that the current per diem allowance applicable to en route boat travel of 6 hours or more outside the counterminous United States be increased, with respect to travel by the Alaska Ferry System. Based on these recommendations, the pertinent provisions are being amended accordingly.

(5 U.S.C. 5707. Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter A.

Federal Property Management Regulations Temporary Regulation A-11—Supplement 11

September 26, 1980.

To: Heads of Federal agencies.

Subject: Changes to Federal Travel Regulations.

1. *Purpose.* This supplement further amends FPMR 101-7, Federal Travel Regulations (FTR), as amended by FPMR Temporary Regulation A-11 and supplements 4, 8, 9, and 10 thereto, to (a) provide for increases in the mileage allowances for privately owned vehicles, (b) increase the per diem and actual subsistence expenses allowances, (c) revise the high rate geographical areas (HRGA's) listing, (d) increase the per diem allowance for travel by the Alaska Ferry System, and (e) extend the expiration date of FPMR Temporary Regulation A-11 and Supplements 4, 8, and 9 thereto.

2. *Effective date.* The provisions of attachment A to this supplement are effective for travel performed on or after October 5, 1980.

3. *Expiration date.* This regulation expires on July 1, 1981, unless superseded or canceled.

4. *Background.*

a. Pub. L. 96-346, approved September 10, 1980, increases the statutory maximum rates for per diem, actual subsistence expenses, and mileage allowances by amending subchapter 1 of chapter 57 of title 5 of the United States Code (5 U.S.C. 5701-5709).

b. The Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975) authorizes the Administrator of General Services to issue regulations prescribing, within statutory limits, mileage allowance rates as well as the maximum reimbursement for actual subsistence expense travel in designated high rate geographical areas (HRGA's). With regard to the exercise of this authority, GSA is required to periodically investigate the cost of travel and the cost of operating privately owned vehicles to employees while on official travel and report the results of these investigations to the Congress.

c. The results of investigations submitted to the Congress on March 24, 1980, were implemented in FPMR Temporary Regulation A-11, Supplement 9, effective April 20, 1980, to the extent possible within statutory limitations imposed by Pub. L. 94-22. A more recent cost investigation has been conducted. The results of this investigation as reported to the Congress on September 26, 1980, are implemented in this supplement within the new statutory maximum rates authorized by Pub. L. 96-346.

d. Various agencies recommended that the current per diem allowance applicable to en route boat travel of 6 hours or more outside the conterminous United States be increase, with respect to travel by the Alaska Ferry System. Based on these recommendations, the pertinent provisions are being amended accordingly.

e. The law (5 U.S.C. 5704(a)) provides that when an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle. The regulation existing prior to the effective date of this supplement provided that the mileage rate for use of a privately owned vehicle in lieu of a Government-furnished automobile is based on the average rental rates which agencies pay for GSA motor pool automobiles and the administrative cost to the user agency. However, GSA has determined that the administrative cost to the user agency should not be considered a factor in determining the cost of travel by a Government vehicle. Pertinent provisions of the Federal Travel Regulations are being changed accordingly. Agencies may submit comments on this change.

5. *Explanation of changes.* The provisions of attachment A to this supplement amend the FTR, as amended by FPMR Temporary Regulation A-11 and supplements thereto, for the reasons given below.

a. Paragraph 1–4.2a is revised to increase the mileage allowances for use of privately owned conveyances when their use is advantageous to the Government; paragraph 1–4.2a–1(1) is revised to reflect the newly enacted statutory maximum mileage rates; and paragraphs 1–4.2c(1) and (2) are revised to reflect an increase in the mileage rate for the use of privately owned vehicles in certain circumstances.

b. Paragraph 1–4.4 is revised to increase the mileage allowance for use of a privately owned automobile when such use is in lieu of a Government-furnished automobile and to delete the administrative cost provisions.

c. Paragraph 1–7.2a is revised to increase the maximum per diem allowance for official travel within the conterminous United States.

d. Paragraph 1–7.3c(1) is revised to increase the uniform rate for the meals and miscellaneous subsistence expense allowance.

e. Paragraph 1–7.4b(3)(b) is revised to increase the per diem allowance for travel involving the Alaska Ferry System outside the conterminous United States.

f. Paragraphs 1–8.2a(2) and (3) are revised to increase the statutory maximum daily rates for actual subsistence expense travel involving unusual circumstances.

g. Paragraph 1–8.6 is revised to delete certain previously designated high rate geographical areas (HRGA's) which no longer qualify because of the new per diem rate and to increase the maximum daily actual subsistence expense rates and/or redefine the boundaries of certain existing HRGA's.

6. *Comments.* Comments concerning those provisions of this regulation (see par. 5b) pertaining to the average mileage cost for the use of a privately owned vehicle in lieu of a Government vehicle should be submitted to the General Services Administration (TT), Washington, D.C. 20406 within 60 days of the effective date for possible incorporation into the permanent regulations.

7. *Effect on other directives.* Supplements 4, 8, 9, 10, and 11 to FPMR Temporary Regulation A–11 contain all current amendments to the Federal Travel Regulations. (Supplement 11 contains the most current list of designated HRGA's.) The expiration date for FPMR Temporary Regulation A–11 and its Supplements 4, 8, and 9 is extended to July 1, 1981.

R. G. Freeman III,
Administrator of General Services.

Changes to the Federal Travel Regulations, FPMR 101–7 [1]

1. Paragraphs 1–4.2a, 1–4.2a–1, and 1–4.2c(1) and (2) are revised to read as follows:

1–4.2. *When use of a privately owned conveyance is advantageous to the Government.*

a. *Authorized mileage rates.* When the use of a privately owned conveyance is authorized or approved as advantageous to the government for the performance of official travel as provided in 1–2.2c(3), reimbursement to the traveler shall be at the mileage rates prescribed in (1) through (3), below.

(1) For use of a privately owned motorcycle: 20 cents per mile.

(2) For use of a privately owned automobile: 22.5 cents per mile.

(3) For use of a privately owned airplane: 45 cents per mile.

a–1. *Mileage rates outside the conterminous United States.* Generally, the mileage rates prescribed in a, above, are applicable outside as well as within the conterminous United States. However, if an agency determines that any mileage rate which is below the statutory maximum ((1), below) is inadequate compensation for use of a privately owned conveyance in a particular area outside the conterminous United States, the head of the agency may submit a request to GSA for the establishment of a higher rate for that area. Any new mileage rate approved by GSA for a particular area shall be the uniform rate payable to all Federal employees in that area. The request to establish a higher rate shall be forwarded to the General Services Administration (TTT), Washington, DC 20406, and shall include the following information:

(1) A recommended mileage rate not exceeding the following statutory maximums:

(a) For use of a privately owned motorcycle: 20 cents per mile;

(b) For use of a privately owned automobile: 25 cents per mile; and

(c) For use of a privately owned airplane: 45 cents per mile.

(2) An analysis of the costs per mile of operating the privately owned conveyance in the particular area involved shall include the data listed below. Expenses which are reimbursable as separate allowances under 1–4.1c, such as parking or toll fees, shall not be included as cost factors in this analysis.

(a) Size/type of conveyance to which the cost data apply.

(b) Fixed operating costs: Vehicle depreciation, insurance, taxes, and registration fees.

(c) Variable operating costs: Gasoline, motor oil, maintenance, repairs, and tires.

(d) Other related cost factors affecting vehicle operating costs which are peculiar to the area involved.

* * * * *

c. *To and from common carrier terminals and office.*

(1) *Round-trip when in lieu of taxicab to carrier terminals.* In lieu of the use of a taxicab under 1–2.3c, payment on a mileage basis at the rate of 22.5 cents per mile and other allowable costs as set forth in 1–4.1c shall be allowed for the round-trip mileage of a privately owned automobile used by an employee going from either the employee's home or place of business to a terminal or from a terminal to either the employee's home or place of business. However, the amount of reimbursement for the round trip shall not in either instance exceed the taxicab fare, including tip, allowable under 1–2.3c for a one-way trip between the applicable points.

(2) *Round-trip when in lieu of taxicab between residence and office on day of travel.* In lieu of the use of taxicab under 1–2.3d, payment on a mileage basis at the rate of 22.5 cents per mile and other allowable costs as set forth in 1–4.1c shall be allowed for round-trip mileage of a privately owned automobile used by an employee going from the employee's residence to the employee's place of business or returning from place of business to residence on a day travel is performed. However, the amount of reimbursement for the round trip shall not exceed the taxicab fare, including tip, allowable under 1–2.3d for a one-way trip between the points involved.

* * * * *

2. Paragraphs 1–4.4b, c, and d are revised to read as follows:

1–4.4. *When use of a privately owned conveyance is in lieu of a Government-furnished automobile.*

* * * * *

b. *Reimbursement based on Government costs.* Based upon average rental rates which agencies pay for GSA motor pool automobiles, it has been determined that the average mileage cost for use of a Government-furnished automobile for travel in the conterminous United States is 16.5 cents. Therefore, the mileage rate for authorized use of a privately owned conveyance when use of a Government-

[1] FPMR 101–7 is incorporated by reference at 41 CFR 101–7.003.

furnished automobile would be most advantageous to the Government shall be 16.5 cents. Exceptions to the above limitation may be authorized if an agency determines that, because of unusual circumstances, the cost of providing a Government-furnished automobile would be higher than 16.5 cents. In such instances the agency may allow reimbursement at such higher rate within the rate stated in paragraph 1–4.2a for advantageous use that will most nearly equal the cost of providing a Government-furnished automobile in those circumstances. In addition to mileage for the distance allowed under 1–4.1b, the employee may be reimbursed for expenses authorized under 1–4.1c which would have been incurred if a Government-furnished vehicle had been used.

c. *Partial reimbursement when Government automobile is available.* When an employee who is committed to using a Government-furnished automobile, or who because of the availability of Government-furnished automobiles, would not ordinarily be authorized to use a privately owned conveyance in lieu of a Government-furnished automobile nevertheless requests use of a privately owned conveyance, reimbursement may be authorized or approved. The rate of reimbursement shall be 7.5 cents per mile, which is the approximate cost of operating a Government-furnished automobile, fixed costs excluded.

d. *Reimbursement claims.* When claiming mileage at the 16.5 cent rate, the employee shall state on the voucher that a commitment was not made to use a Government-furnished automobile and that reimbursement for use of a privately owned automobile was not limited under 1–4.4c.

3. Paragraph 1–7.2a is revised as follows:

1–7.2. *Maximum locality rates.* * * *

a. *Conterminous United States.* Reimbursement for official travel within the conterminous United States shall be a daily rate not in excess of $50 except when actual subsistence expense travel is authorized or approved due to the unusual circumstances of the travel assignment or for travel to a designated high rate geographical area as provided in 1–8.1.

* * * * *

4. Paragraph 1–7.3c is amended by revising the introductory sentence in subparagraph c(1) to read as follows:

1–7.3. *Agency responsibility for authorizing individual rates.*

* * * * *

c. *When lodgings are required.*

(1) For travel in the conterminous United States when lodging away from the official duty station is required, the per diem rate shall be established on the basis of the average amount the traveler pays for lodging, plus an allowance of $23 for meals and miscellaneous subsistence expenses. Calculation shall be as follows:

* * * * *

5. Paragraph 1–7.4b(3)(b) is revised to read as follows: 1–7.4. *Rates en route outside the conterminous United States.*

* * * * *

b. * * *

(3) * * *

(b) When either of such rates prescribed herein is not commensurate with a traveler's subsistence expenses, a different rate may be authorized or approved not in excess of the maximum rate applicable to the destination duty point or, with respect to boat travel, not in excess of $9.00, except that the rate for travel by the Alaska Ferry System shall not exceed $16.00.

* * * * *

6. Paragraphs 1–8.2a(2) and (3) are revised to read as follows:

1–8.2. *Authorized reimbursement.*

a. * * *

(2) For travel within the conterminous United States involving unusual circumstances, the statutory maximum daily rate is $75. Agencies shall determine appropriate and necessary daily maximum rates not to exceed this amount.

(3) For travel outside the conterminous United States involving unusual circumstances, the statutory maximum daily rate is $33 per day plus the maximum per diem allowance officially established for the overseas locality in which the travel is performed. (See 1–7.2.) Agencies shall determine appropriate and necessary daily maximum rates not to exceed this limitation.

* * * * *

7. Paragraph 1–8.6 is revised to read as follows:

1–8.6. *Designated high-rate geographical areas (HRGA's).* Under the provisions of 1–8.1b and 1–8.2a(1), for temporary duty travel to or within the cities designated as high-rate geographical areas below, a traveler shall automatically be placed in an actual subsistence expense status and shall be reimbursed for the actual and necessary subsistence expenses incurred, not to exceed the maximum rate prescribed for the particular geographical area involved. (Note—These rates are not to be construed as per diem rates.)

Designated HRGA's[1 2]	Prescribed maximum daily rates
Arizona: **Tucson (all locations within the corporate limits of Tuscon, including Davis Monthan AFB)	$61
California:	
**Fresno	57
**Los Angeles (all locations within Los Angeles, Orange, and Ventura Counties, including Edwards AFB)	70
**Sacramento (all locations within Sacramento County)	62
**San Diego (all locations within San Diego County)	70
**San Francisco/Oakland (all locations within San Francisco, Alameda, and Contra Costa Counties)	75
**San Jose (all locations within Santa Clara County)	64
**Santa Barbara (all locations within Santa Barbara County)	68
Colorado:	
**Denver (all locations within Denver, Adams, Arapahoe, and Jefferson Counties)	67
**Vail	69
Connecticut:	
**Hartford (all locations within Hartford County)	56
**New Haven	63
Delaware: **Wilmington	62
District of Columbia: **Washington, DC, area (all locations within the corporate limits of the District of Columbia; the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland) (See also Maryland and Virginia.)	75
Florida:	
**Miami (all locations within Dade, Broward, Palm Beach, and Monroe Counties)	64
**Tampa/St. Petersburg all locations within Hillsboro and Pinellas Counties)	62
Georgia: **Atlanta	56
Illinois: **Chicago (all locations within Lake and Cook Counties)	74
Indiana:	
**Ft. Wayne	62
**Indianapolis (all locations within the corporate limits of Indianapolis, including Fort Benjamin Harrison)	62
Kansas:	
**Kansas City (see also Kansas City, MO.)	68
**Wichita	59
Kentucky:	
**Lexington-Fayette (all locations within Lexington-Fayette Urban County)	58
**Louisville	59
Louisiana: **New Orleans (all locations within Jefferson, Orleans, Plaquemines, and St. Bernard Parishes)	75
Maryland:	
**Baltimore (all locations within Baltimore City and Baltimore County)	59
**Montgomery County (see also District of Columbia)	75
**Prince Georges County (see also District of Columbia)	75
Massacusetts:	
**Boston (all locations within the counties of Middlesex, Norfolk, and Suffolk)	66
**Springfield	58
**Worcester	58
Michigan:	
**Detroit (all locations within Wayne County)	75
** Kalamazoo	57
Minnesota ** Minneapolis/St. Paul (all locations within Anoka, Hennepin, and Ramsey Counties, including the Fort Snelling Military Reservation)	61
Missouri:	
**Kansas City (see also Kansas City, KS.)	68
**St. Louis (all locations within St. Louis and St. Charles Counties)	67
Nevada: ** Las Vegas (all locations within the corporate limits of Las Vegas, including Nellis AFB)	75
New Jersey:	
*Atlantic City (all locations within Atlantic County)	63

Designated HRGA's[1 2]	Prescribed maximum daily rates
**Eatontown (all locations within Monmouth County	56
**Newark (all locations within Bergen, Essex, Hudson, Passaic, and Union Counties)	67
New Mexico: **Los Alamos	58
New York:	
**Lake Placid	56
**New York (all locations within the Boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island and the counties of Nassau and Suffolk)	75
**Rochester	63
**Syracuse	59
Ohio:	
**Cleveland	71
**Toledo	59
Oregon: **Portland	56
Pennsylvania:	
*Coatsville	59
**Harrisburg	58
**Monroeville	64
**Philadelphia/Bala Cynwyd	75
**Pittsburgh	65
**Valley Forge/King of Prussia	58
Tennessee: **Memphis	61
Texas:	
**Dallas/Ft. Worth (all locations within Dallas and Tarrant Counties)	71
**El Paso	58
**Houston (all locations within the corporate limites of Houston, including the L. B. Johnson Space Center and Ellington AFB)	74
**San Antonio	61
Vermont: **Burlington (all locations within the corporate limits of Burlington, South Burlington, and Essex Junction)	58
Virginia (see also District of Columbia):	
**Alexandria	75
**Fairfax	75
**Falls Church	75
**Arlington County	75
**Fairfax County	75
**Loudoun County	75
Washington:	
**Seattle (all locations within King County)	72
**Spokane	60
West Virginia: **Charleston	59
Wisconsin: **Milwaukee	61
Wyoming: **Cheyenne	58

[1] HRGA's without a specific definition are defined as "all locations within the corporate limits or entirely surrounded by the boundaries thereof, including independent entities located within the boundaries" unless otherwise specified.

[2] HRGA's with county defintions shall include "all locations entirely surrounded by the boundaries thereof, including independent entities located within the boundaries."

*Newly designated HRGA.

**Increased maximum rate or redefined boundary for previously designated HRGA.

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federal register

Wednesday
October 1, 1980

Part VI

Department of Energy

Defense Programs; List of Energy-Related Militarily Critical Technologies

DEPARTMENT OF ENERGY

Defense Programs; List of Energy Related Militarily Critical Technologies

AGENCY: Department of Energy.

ACTION: Notice of publication of a list of energy related militarily critical technologies.

SUMMARY: The Export Administration Act of 1979 (PL 96–72) requires under Section 5(d) that an initial version of a list of militarily critical technologies be published in an appropriate form in the **Federal Register** not later than October 1, 1980. The Secretary of Defense has primary responsibility for developing this list of militarily critical technologies. In support of the Department of Defense the Department of Energy has prepared a list of energy related militarily critical technologies. This list is attached.

DATES: Comments must be received on or before December 30, 1980.

ADDRESSEE: Written comments should be directed to Julio L. Torres, Director, Office of International Security Affairs, Room 5F–066, Forrestal Building, 1000 Independent Avenue, S.W., U.S. Department of Energy, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:
John A. Griffin, Director, Division of Politico-Military Security Affairs, Office of International Security Affairs, Room 5F–066, Forrestal Building, 1000 Independent Avenue, S.W., U.S. Department of Energy, Washington, D.C. 20585 (202) 252–2127.
Leon Silverstrom, Assistant General Counsel for International Development and Defense Programs, Room 6F–055, Forrestal Building, 1000 Independence Avenue, S.W., U.S. Department of Energy, Washington, D.C. 20585 (202) 252–6975.

Dated at Washington, D.C. this 26th day of September, 1980.

Duane C. Sewell,
Assistant Secretary for Defense Programs.

DOE Critical Technology List

I. Introduction

This material was prepared in response to the Export Administration Act of 1979, which requires an interagency study, headed by the Department of Defense and with Department of Energy participation, of a proposed new approach to export control. The proposal suggests shifting the focus of control from end products to a set of critical technologies, in the hope that this shift of focus would provide a more effective system of controls and promote a broader range of exports without any increased risk to national security.

The attached list was developed in several iterations, with input from the National Laboratories and other selected DOE contractors. During this development a great deal of thought has been devoted to the problems of export control, and it is clear that substantially more work will have to be done to obtain a list that reflects all of the legitimate national security concerns, yet with enough specificity to be useful to export control officers.

Much of the background for the new approach to export control [1] appears to have come from the so-called "Bucy" report.[2] The new approach suggested in the Bucy report is incorporated in the Export Administration Act of 1979,[3] wherein the Secretary of Defense is directed to bear primary responsibility for developing a list of militarily critical technologies and the Secretary of Commerce is directed to maintain the list as part of the commodity control list.

Following the Bucy report's recommendations, the Export Administration Act of 1979 notes that primary emphasis shall be given to:

a. arrays of design and manufacturing know-how,
b. keystone manufacturing, inspection, and test equipment, and
c. goods accompanied by sophisticated operation, application, or maintenance know-how

that are not possessed by a country to which export is to be controlled and that, if exported, would permit a significant advance in a military system of the country.

It is essential in the development of a self-consistent list of critical technologies to devise practical definitions of the key terms, including "technology," "critical technology," and "keystone equipment." There are a number of definitions of these key terms devised and used by people seriously concerned about export control and technology transfer problems.[1–5] Examining and testing these definitions helps to give us the essential ideas that must be embodied in practical ones suited for our use.

Many of the definitions of "technology" appear to be aimed at production items, and perhaps production engineering know-how, and therefore do not seem applicable to research and development technologies for advanced or undeveloped concepts. Thus, according to such definitions, the US does not have a "fusion technology," or a "beam weapon technology" because we do not have the know-how to design let alone manufacture machinery or products to do those jobs. Yet, there are portions of the activities in these as well as other R&D programs that should be considered for export control.

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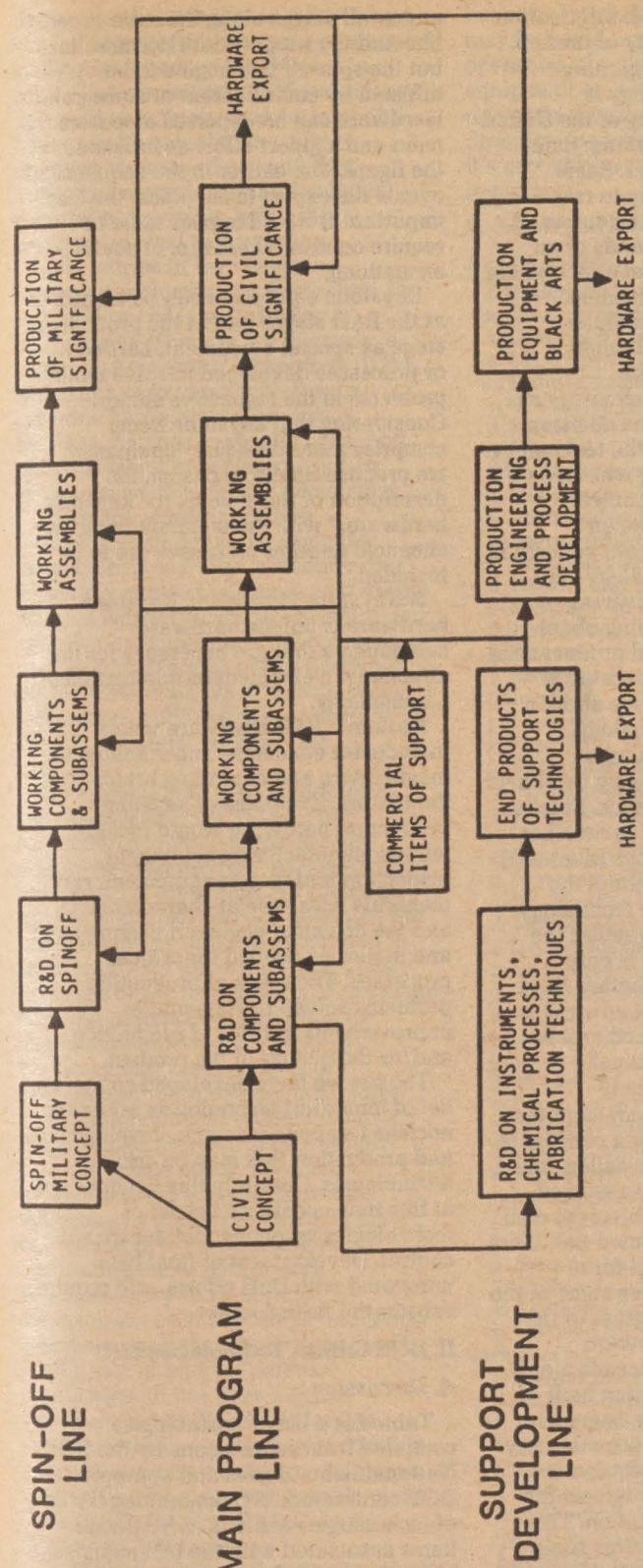

FIGURE 1

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A difficulty encountered in definitions of "critical technology" is that there is usually no time scale considered. Yet in deciding whether or not to license an export, a staff member must make some evaluation of the time it might take for the exported technology or hardware to appear as an adversary capability. In some cases the time may be so long that the capability would no longer be a threat. In other cases this may not be true. An ideal definition of critical technology would embody the condition that even after the time it takes for the adversary nation to absorb and apply the technology, it would still be considered critical. It seems especially important to keep in mind that some "high technology" R&D programs may require many years to yield a product, but the pay-off may be so great that it is wise to protect the relevant technology today. In the early stages of such a program, that is, before classification limits exchange, either side may benefit. Controlling exports or exchanges early in a development time scale therefore carries a risk.

In existing definitions of "keystone equipment" consideration of equipment required for advanced research and development activities is often overlooked. In such advanced studies, where problems of design are not yet solved, it is impossible to know what kind of equipment, materials, or components will be uniquely required for the manufacture of some final product. On the other hand, keystone equipment for the research and development phases can be identified.

In consideration of the difficulties of using definitions from other sources for selection of candidate hardware and ideas for export control, we propose the following ones for this study:

1. Technology. A specific technology is the body of knowledge acquired in the application of scientific principles to the solution of a specific technical problem.

Broader definitions of technology may be found, but are not appropriate in this report. Note that parts of the body of knowledge may be taken from other bodies of knowledge acquired previously, and parts may be acquired accidentally. The technical problem may be the construction of one magnetically confined fusion machine or the production of a large number of integrated circuits. It may also be an analysis of a new approach using existing hardware in a different way to solve the ABM problem. The quality of the end product depends upon the quality of the technology.

2. Critical Technology. A critical technology is a technology that would provide an adversary with information detrimental to the security of the U.S.

Note that a decision regarding whether or not a technology is detrimental to the security of the United Stated may involve evaluating time scales as discussed earlier. Some technologies are not likely to result in hardware production for a number of years, but others in the hands of an adversary may produce an effect within a very short time. Note also that whether or not some form of the technology is available in other countries does not alter the characterization of the technology as "critical." It does affect the decision whether or not to export the technology. Furthermore, determining whether a US technology enjoys a competitive advantage is too subjective an evaluation to be a significant concern in this analysis. A US technology may appear attractive to an adversary because it reveals something about vulnerabilities in a related product used for military purposes, or because it indicates something of value about a related but reserved technology.

In these cases the competitive advantage of the product may be at best of only secondary importance. Finally, the fact that a technology has civil as well as military applications (dual-use) creates special concerns about the licensing of exports of the technology, but it has no bearing on whether the technology is "critical." It is only important to determine whether there can or will be a significant adverse impact on US security, whether it be military, economic, or political.

Figure 1 illustrates a way to summarize the kinds of equipment that are part of the reduction of a concept to practice. In the figure, a so-called "main program line" indicates an assumed project to produce some object for civil use. We have further assumed that there is a closely related concept for a military device that requires some of the same technology. The progress of the defense related concept toward production of a device proceeds along the "spin-off line." Supporting both programs or projects is the "support development line," which provides any kind of special hardware, equipment, process, etc. used in the programs for construction or instrumentation. This special hardware also requires some development work of its own. If there is to be production at the ends of the lines, there is a production engineering or process development activity that culminates in the means for production. Possibilities for exporting the technology that characterizes this effort occur at any or all stages along the main program line and the support development line, but the spin-off line begins to be affected by classification at some point. Hardware can be exported also from the main and support effort as indicated in the figure. The earlier in the sequence of events the export takes place, the less important it would appear to be to require control. There are, of course, exceptions.

Keystone equipment can be identified at the R&D stages and at the production stage as special equipment, hardware, or processes developed to solve major problems in the respective stages. Considering that keystone items comprise more than just "equipment," we propose finally to change the description of these items to "keystone hardware," with the understanding that chemical or other processes are to be included.

3. Keystone Hardware. Keystone hardware is unique hardware components that are necessary for the effective development or application of a technology.

Keystone R&D hardware would include, for ecxample, superconducting magnet wire and exploding bridge wire detonators. Examples of keystone production hardware would include unique manufacturing equipment, inspection and testing equipment, raw materials with special characteristics, and the chemical engineering equipment and materials needed for critical processes. The types of production problems solved include major improvements in rates of production and/or the quality of the product.

The list we have developed so far is a list of important technologies related to nuclear weapons research, development, and production that may be critical technologies. Certainly this list does not at this time constitute the set of technologies recommended for export control. Development of final lists, integrated with DoD efforts, will require substantial further effort.

II. DOE Critical Technologies List

A. Discussion

Table I is a list of technologies compiled from submissions by the DOE National Laboratories and appropriate DOE contractors. Accompanying the list of technologies are lists of hardware items associated with the technologies. Military and civil applications of the technologies and foreign availability information complete the table.

All of the technologies overlap or impact in some way upon the technology of nuclear weaponry. They are all therefore "critical" to some

degree. We believe that this list is best viewed as a starting point for more strict application of criteria important to controlling the export of US technology and hardware. In its present form, the table may be valuable in calling attention to areas of concern, but additional more detailed descriptive material is needed to help with decisions on real export cases.

Most entries in the "keystone hardware" columnn are themselves the end products of more primary technologies. There is, for example, a homopolar generator technology (II.B.), which has associated with it such keystone hardware as flywheels, bearings, brushes, magnetic coils, and others. It is not now clear to us how much to subdivide these technologies.

There are so many modern technologies that involve computer assistance in one way or another that we simply omitted reference to it except where it was particularly brought to our attention by someone in the business. A number of categories not so flagged in the table should have a "calculation technology" subheading and should have "computers" as keystone hardware.

In a collection of R&D technologies such as presented in Table I, the associated keystone hardware can seldom be classified as "associated end products," as the export act seems to call for. What we can list, however, are hardware items that are associated in some way with the technology. These items are either components of the main and spin-off development lines, or instrumentation of other support hardware that are crucial to the execution of these development lines. There is only an end product when the development program is successfully concluded. In a sense, then, the hardware items become more like indicators of the kind of work being carried out in the main program. Controlling the export of such equipment may force certain inconveniences or hardships on foreign scientists, even though the equipment itself is not directly of defense significance. It has been argued, however, that in the end, if foreign scientists are forced by export controls to invent their own support equipment, they will be more knowledgeable about the subjects than if they had been allowed to buy them.

In Table I, applications are sometimes listed for the entire main category, and if there are further applications for some of the keystone hardware items, they are listed additionally.

Finally, there are many "Black Arts" or tricks of the trade, which we cannot list as keystone hardware, but which may be just as essential to the proper operation of some process or piece of equipment as the hardware itself. These arts or tricks usually work in the direction to protect our technologies, so it's probably well to leave them unpursued.

B. Critical Technologies Table

1. Index to Table

I. Nuclear fuel cycle technology.
a. Uranium enrichment.
1. Gaseous diffusion.
a. UF_6 transport and purification.
b. Diffuser technology.
c. Calculation technology.
d. Reserved.
e. Reserved.
f. Feed/withdrawal technologies.
2. Gas centrifuge.
a. Rotor design technology.
b. Bearing design technology.
c. Suspension design technology.
d. Bellows mfg. technology.
e. Drive system mfg. technology.
f. Suspension system mfg. technology.
g. Reserved.
h. Reserved.
i. Reserved.
j. Reserved.
k. Reserved.
l. Flow system technology.
m. Auxiliary technologies.
n. Computer software technology.
3. Laser isotope separation.
a. Computer modeling technology.
b. Laser technology.
c. UF_6 handling technology.
d. Molten U handling technology.
e. Ion extraction technology.
f. Atomic vapor source technology.
g. UF_6 spectroscopy.
h. Atomic U spectroscopy.
i. Switching technology.
j. Reserved.
4. Plasma process.
a. Superconducting magnet technology.
b. U plasma technology.
5. Calutron technology.
a. Magnet technology.
b. Source technology.
6. Aerodynamic processes.
a. UF_6 flow technology.
b. Skimmer technology.
7. Chemical exchange.
a. Contactor technology.
b. Uranium compound handling technologies.
c. Recycle technology.
d. Materials handling technologies.
B. Reprocessing technology.
C. Heavy water production technology.
1. GS process technology.
2. Vacuum distillation technology.
3. D_2O analytical technology.
D. Fuel fabrication.
1. Pellet fabrication technology.
2. Cladding technology.
3. Coated particle technology.
E. UF_6 production.
1. Uranium oxide hydrofluorination technology.
2. UF_4 fluorination technology
3. Uf_6 purification technology.
4. HF mfg. technology.
5. Fluorine mfg. technology.
F. Fission reactors.
1. Pressure vessel technology.
2. Cooling cycle technology.
3. Control technology.
4. Maintenance technology.
5. Safety technology.
G. Electro-nuclear breeders.
II. Fusion technology.
A. Very high power laser technology.
B. Charged particle accelerator technology.
C. Fusion pellet technology.
1. Pellet fabrication technology.
2. Computer software technology.
D. Magnetic confinement technology.
1. Superconducting magnet technology.
2. Switching technology.
3. Plasma technology.
4. Materials technology.
E. Imploding liner technology.
1. Computer software technology.
2. Switching technology.
3. Implosion system technology.
F. Impact fusion technology.
1. Impactor technology.
2. Computer software technology.
G. Diagnostics technology.
III. Reactor production of nuclear materials.
A. Tritium production technology.
B. Tritium handling technology.
C. Pu-239 production technology.
D. Pu-239 fabrication technology.
E. Pu-238 mfg. technology.
F. Reserved.
G. Reserved.
IV. Nuclear weapons technology.
A. Computer technology.
1. System mfg. technology.
2. Component mfg. technology.
3. Interactive graphics technology.
4. Operating systems technology.
B. R&D technology.
1. Computer calculations.
a. Laugauge technologies.
b. Code technologies.
2. Development testing technology.
3. Live nuclear test technology.
4. Componet fabrication technology.
C. Production technology.
D. Special component technologies.
E. Special materials technologies.
1. Fabrication technologies.
2. Purification technology.
3. Pyrotechnics fabrication technology.
4. Thermite composite fabrication technology.
5. Plasma polymerization technology.
6. Explosive recrystallization technology.
7. Large diameter high pressure storage vessel technology.
8. Paper honeycomb fabrication technology.
9. Silicone adhesive technology.
10. Nickel carbonyl [$Ni(CO_4)$] coating technology.
11. Thin film hydriding technology.
12. Electrical feedthrough technology.
V. MHD.
A. Superconducting magnet technology.
B. Materials technology.
C. Liquid metal handling technology.
D. Plasma studies.
VI. Advanced seismic detection.
A. Seismometer technology.
B. Signal processing technology.

C. Data and command transmission and reception technology.
VII. Satellite technology.
A. Detector technology.
B. Data transmission and reception technology.
VIII. Electronics.
A. Semiconductor mfg. technology.
IX. Safety, security, and survivability technology.
A. Reserved.
B. Encryption technology.
C. Electronically assisted physical security.
D. Weapon survivability.
X. Reserved.

DOE Critical Technologies

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
I. Nuclear fuel cycle technology				
A. Uranium enrichment		Nuclear weapons, nuclear propulsion, space power reactors, portable power reactors.	Power reactors, research reactors	
1. Gaseous diffusion				UK, France, USSR, FRG, Netherlands, PRC, Sweden, Switzerland.
a. UF_6 transport and purification	UF_6-rated materials of construction.			
	Compressors			France, UK, FRG, USSR, PRC.
	Rotating shaft seals (inert gas buffered).		Seals for reactive gas systems, e.g., fluorine.	
	Valves for UF_6	Valves for reactive gas systems	Valves for reactive gas systems	Widely available.
	Heat exchangers for UF_6	Heat exchangers for e.g., fluorine	Heat exchangers for e.g., fluorine	France, UK, USSR, PRC.
	Cleaning solvents			
b. Diffuser technology	Barrier material, Diffuser housings, Nickel powder.	Battery plates, filters, alloys	Battery plates, filters, alloys	UK, Canada.
	Porous nickel metal			
	Barrier manufacturing equipment.			
c. Computer software technology	Computers	Many uses	Many uses	UK, France.
d. Reserved				
e. Reserved				
f. Feed/withdrawal technologies				
2. Gas centrifuge				USSR, UK, Netherlands, FRG, Japan, France, Pakistan, Australia, Italy, Switzerland, Sweden, Brazil.
a. Rotor design technology	Rotors			
b. Bearing design technology	Bearings			
c. Suspension design technology	Suspension systems			
d. Bellows mfg. technology	Bellows forming dies and mandrels.			UK, France, Japan, others.
	Hydraulic forming equipment (isostatic presses).	Many uses	Many uses	UK, FRG, USSR, France, Japan, others.
	Maraging steel			
e. Drive system mfg. technology	Synchronous motors (600–2000 Hz) High frequency steel.		Textile mills, high speed grinders	Widely available.
f. Suspension system mfg. technology	Magnets (metallic or ceramic dampers).		Loud speaker magnets	Widely available.
g. Reserved				
h. Reserved				
i. Reserved				
j. Reserved				
k. Reserved				
l. Flow system technologies	Valves, bellows sealed, nickel, monel or nickel plated.			UK Switzerland, FRG, France.
	Pressure transducers for UF_6		Chemical processing industry	FRG.
	Al alloy piping		Chemical processing industry	
	Process computers			France, FRG.
m. Auxiliary technologies	Vaccuum systems, Vacuum pumps.			FRG, others.
	Purge systems			USSR, UK, Netherlands, FRG.
	Balancing equipment			FRG.
	Leak detectors			UK, FRG.
	Mass spectrometers			UK, FRG.
	Inverters, converters, frequency changers and generators, 3-phase 600–2000 Hz.		Textile mills, high speed grinding equipment.	UK, FRG, Japan.
	Electrical power supplies			UK, FRG.
n. Computer software technology	Computers			
3. Laser isotope separation		Separation of fissile isotopes	Purifying materials, processing reactor wastes.	Canada, France, FRG, Japan, S. Africa, UK, USSR.
a. Computer modeling technology	Computers			
b. Laser technology		Laser guided weapons	Chemical analysis, photochemistry	USSR, France, Israel, FRG, Japan, others.
	Tunable diode lasers and amplifiers.			
	Tunable IR & UV lasers and amplifiers.			
	Tetrodes (>1 MW)			
	High efficiency high rep. rate copper lasers and amplifiers.			
	Electro-optical components			USSR, France, Israel, FRG, Japan, others.
	Excimer lasers and amplifiers			
	Tunable dye lasers and amplifiers.			

DOE Critical Technologies—Continued

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
	Very high power dye lasers			
	Equipment for growing diode crystals.			
c. UF_6 handling technology				USSR, France, FRG, UK, Netherlands, Israel, Japan, S. Africa, Brazil.
	Supersonic nozzles UF_6 compatible materials of construction.			
d. Molten U handling technology				
	Crucibles			
e. Ion extraction technology				
f. Atomic vapor source technology				
	Electron beam heated vapor sources (high power strip sources).			
g. UF_6 spectroscopy	Tunable diode lasers UV spectroscopy.			
h. Atomic U spectroscopy				
	Tunable dye lasers			
i. Switching technology (~ 1000 pps, high current.				
	Power supplies			
	Thyratrons			
	Spark gaps			
	Low inductance capacitors			
j. reserved				
4. Plasma process a. Supercond. magnet technology.		MHD generators, magnetic flux sensors (ASW), supercond. propulsion systems.	MHD generators, Maglev transport, magnetic ore prospecting.	Japan, UK, FRG, France, USSR, Italy.
	Supecond. magnets			
	Magnet wire			
	Coils Cryogen handling equipment.			
	Winding and joining equipment			
b. U plasma technology Materials of construction.	Magnets for large volume, uniform fields.			
	Plasma forming equipment			
5. Calutron technology				
a. Magnet technology Magnets for large uniform fields Regulated high current supplies.				
b. Source technology	Regulated high voltage supplies.			
6. Aerodynamic processes				FRG, S. Africa, Brazil, Sweden.
a. UF_6 flow technology				France, UK, USSR, FRG, PRC.
	Compressors for UF_6 UF_6-rated materials of construction.			
	Rotating shafe seals			
	Heat exchangers			
b. Skimmer technology				FRG, S. Africa, Brazil.
7. Chemical exchange				
a. Contactor technolgy	Contactors with low stage residence times (~ 20 s).	Plutonium and fission product separation.	Chemical process industries, waste treatment, many others.	France, Sweden, FRG, UK, Japan, many others.
	Contrifugal liquid-liquid contactors.			
	Pulse column liquid-liquid contactors.			
	Other multistage liquid-liquid contactors.			
b. Uranium compound handling technologies				UK, FRG, France, USSR, S. Africa, PRC, Japan, others.
	Materials of contruction			
	Fluoroplastics or fluoroplastic-lined pipe, valves, pumps, other equipment.		Many chemical processes	Many industrialized.
	Specialized uranium extractants	Fuel reprocessing-Pu recovery	Power reactor cycle, plastics, chloralkali, Chemical analysis.	Many industrialized countries.
	Electrolysis diaphragm materials.			
	Ion exchange resins (pellicular).			
c. Recycle technology	Cells for reduction by electrolysis (especially mercury cathode diaphragm cells).		Chloralkali industry	Many industrialized countries.
	Specialized multiple effect evaporators.		Chemical process industry	Many industrialied countries.
	Reverse osmosis systems which withstand high acid concentrations.			
d. Materials handling technologies	See designated (*) items udner "Reprocessing Technology".			B
. Reprocessing tehnology		Nuclear material production	Power reactor fuel cycle	Belgium, France, FRG, India, Italy, Japan, Taiwan, UK, USSR.
	Fuel shears			

DOE Critical Technologies—Continued

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
	*Critically safe tanks			
	*Centrifugal contactors			
	*Mixer/settlers			
	*Pulse columns			
	Dissolution equipment			
	Tributyl phosphate			
	*HEPA filters			
	*Ion exchange mat'ls which will withstand intense radiation.			
	*Off-gas treatment systems			
	Manipulators for hot cells			
	Shielding windows for hot cells			
	*Process control instrumentation.			
	Radiation monitoring instrumentation modified for fuel reprocessing.			
	*Computers			
C. Heavy water production			Power reactors	Canada, France, USSR (?), Norway (?), India, Argentina.
1. GS process technology				
	Packed tower contactors		Chemical industry	Canada, India.
	Gas blowers for H_2S Water pumps.		Water purification	
	Heat exchangers			
	Condensers			
	Piping			
	Valves			
	Tanks			
	Storage vessels			
	Gas compressors			
	Process instrumentation			
	Water treatment equipment			
	Steam generating equipment			
2. Vacuum distillation technology			Chemical industry	
	Towers			
	Steam ejectors			
	Vacuum pumps			
	Water pumps		Water purification	
	Calandrias			
	Condensers			
	In process storage tanks			
3. D_2O analytical technology				
	Single beam infrared spectrophotometry.			
D. Fuel fabrication		Nuclear propulsion, nuclear materials production.	Power reactor fuel	France, USSR, Canada, FRG.
1. Pellet fabrication technology	Pellet presses			
	Sintering furnaces			
	Grinding and grading equipment.			
	Inspection equipment			
	Assay equipment			
2. Cladding technology				France, USSR, Canada, FRG.
	Welding equipment			
	Inspection equipment			
	Leak detection equipment			
	Tubing mfg. equipment			
	Hf-free zirconium			
	Zirconium casting vacuum furnaces.			
3. Coated particle technology	Spherical particle fabrication equipment Particle coating equipment.			
	Presses			
	Binder materials			
	Furnaces			
E. UF_6 Production		Feed for enrichment plant	Feed for enrichment plant	USSR, France, FRG, Belgium, UK, Japan, PRC, S. Africa, Italy, Canada.
1. Uranium oxide hydrofluorination technology (to produce UF_4).	Screw reactors		Chemical industry	
	Stirred fluid-bed reactors		Chemical industry	
	Fluid-bed reactors		Chemical industry	
	Inconel pipe		Chemical industry	UK, Canada.
2. UF_4 fluorination technology (to produce UF_6.	Flame towers		Chemical industry	Canada.
	Fluid beds		Chemical industry	
	Monel pipe		Chemical industry	UK, Canada.
3. UF_6 purification technology	Distillation columns			France.
	Absorption traps			
	Nickel-plated steel pipe			
	Bellows-sealed valves			UK, France, Switzerland.
4. HF manufacturing technology	Calcium fluoride		Chemical industry	
	Sulfuric acid	Chemical industry		

DOE Critical Technologies—Continued

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
5. Fluorine mfg. technology	Fluorine cells	Rocket fuel	Fluorocarbon manufacture	UK, France.
	High density carbon anodes			
	Hydrofluoric acid (HF)			
	Potassium fluoride			
	Chlorine trifluoride			
F. Fission reactors		Propulsion, electric power	Electric power, process heat	Canada, USSR, FRG, France, Japan, UK, Belgium.
1. Pressure vessel technology	Very large rolling mill			
	Welding equipment			
	Inspection equipment (x-ray, sonic, etc.).			
	Very large forging machinery			
2. Cooling cycle technology	Pumps			
	Heat exchangers			
	Pressure, temperature, flowrate instrumentation.			
	Clean-up systems			
	Valves			
	Heavy water			
3. Control technology	Computers			
	Control rod drives			
	Monitoring instrumentation			
	Burnable poisons			
4. Maintenance technology	Fuel element handling equipment.			
	Inspection equipment			
5. Safety technology	Computers			
	Monitoring equipment			
	ECCS equipment			
	Inspection equipment and procedures.			
G. Electro-nuclear breeders			Electric power production	
	High current accelerators			
	Targets			
	Ion sources			
	Switching equipment			
II. Fusion technology		Nuclear mat'ls production, neutral beams, RF systems, effects simulation.	Electric power production	Canada, France, FRG, Italy, Japan, Poland, UK, USSR.
A. Very high power laser technology		Laser weapons, effects simulation	Welding	
	Very high power lasers			
	Very high power amplifiers			
	Mechanical and electro-optical hardware.			
	High voltage systems (pulse power).			
	High current high rep. rate switches with low jitter.			
	Pointing systems			
	Single point diamond cutting lathes.			
	Diamond tools			
	Optical coating equipment	Optical equipment	Telescopes	
	Optical polishing equipment for large optical elements.		Telescopes	
	Other ultrahigh precision equipment.			
	Gas handling equipment			
	NaCL windows			
	Glass components			
	Flash lamps			
	Electron beam pumping equipment.			
	Other pumping equipment			
B. Charged particle accelerator technology		Particle beam weapons, weapon physics simulation, neutron sources.	Physics research, medical research, x-ray machines.	USSR, France, PRC, others.
	Linear induction accelerators			
	Betatrons			
	Heavy ion accelerator modules			
	High energy density capacitors			
	Superconducting magnets			
	Homopolar generators			
	High rep. rate high current switches with low jitter.			
	Large thermionic cathodes			
	Pulsed alternators			
	Pointing systems			
	Computers			
	Ion sources			
	Electron sources			
	Vacuum system equipment			
C. Fusion pellet technology				
1. Pellet fabrication technology	Pellets			
	Pellet manufacturing equipment			

DOE Critical Technologies—Continued

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
	Pellet loading equipment (D_2 gas handling, etc.).			
	Tritium handling equipment			
	Pellet sorting and inspection equipment.			
	Pellet manipulation equipment			
2. Computer software technology	Computers			
D. Magnetic confinement technology		MHD propulsion, MHD lasers, explosive MHD.	MAGLEV transportaion Explosive MHD.	Japan, FRG, UK, USSR, European community.
1. Superconducting magnet technology	See I.A.4.a.			
2. Switching technology	Power supplies			
	Energy storage components			
	Thyratrons			
	Spark gaps			
	Low inductance capacitors			
3. Plasma technology	Power supplies			
	Capacitors			
	Switches			
	Gyrotrons	Microwave transmission, jamming		
	Neutral beam injectors			
	Plasma clean-up equipment			
	Flushing systems			
4. Materials technology	First wall materials			
	Other materials of construction			
E. Imploding liner technology			Electric power production	Poland, USSR.
1. Computer software technology	Computers			
2. Switching technology	See II.D.2.			
3. Implosion system technology	Magnets	Nuclear and non-nuclear weapons		
	Liners			
	High explosives			
	Lasers			
	Plasma guns			
	Other plasma preparation equipment.			
F. Impact fusion technology				USSR, France.
1. Impactor technology	Multi-stage gas guns			
	Specially developed projectiles			
	Electromagnetic guns			
	High energy density capacitors			
	Switching equipment			
	Rotating flywheel energy storage systems.			
	Propellants			
	Targets			
2. Computer software technology	Computers			
G. Diagnostics technology	Streak cameras	Nuclear weapon development		
	Neutron detectors			
	Gamma detectors			
	X-ray detectors			
	Fast analog circuitry			
	Fast oscilloscopes (pico-second sweep).			
	Computers			
	X-ray transmission equipment			
	Neutron radiography equipment			
	Microwave acoustic microscopy equipment.			
	Spectroscopy equipment			
	Magnetic field measuring equipment.			
	Thompson scattering equipment.			
	Interferometry equipment			
	Pin probes			
	Flash X-ray equipment			
	Diagnostic lasers			
III. Reactor production of nuclear materials				
A. Tritium producion technology		Nuclear weapons	Fusion reactors, self luminous components, batteries, sensors, D-T neutron sources.	France, PRC, UK, USSR.
	Reactors			
	Lithium alloys			
	Distillation equipment			
	Lithium target fabrication equipment.			
	Tritium recovery equipment			
	Calorimeters			
B. Tritium handling technology		Nuclear weapons		France, PRC, UK, USSR, Hungary, Netherlands, Poland.
	Pumps			
	Valves			
	Piping			
	Mass spectrometers			
	Absorption beds			
	Glasses with special diffusion properties.			
	Measuring instruments			
C. Pu-239 production technology		Nuclear weapons	Breeder reactors for electric power production.	UK, France, USSR, PRC, India.
	Reactors			
	Target fabrication equipment			

DOE Critical Technologies—Continued

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
	Fuel shears			
	Solvent extraction equipment			
	Dissolution equipment			
	Ion exchange materials and equipment.			
	Off-gas treatment systems			
	Glove boxes			
	Analytical chemistry equipment			
D. Pu-239 fabrication technology		Nuclear weapons		UK, France, USSR, PRC, India, Argentina, Japan, Taiwan.
	Equipment for reduction to metal.			
	Casting furnaces			
	Graphite molds			
	Glove boxes			
	Metallurgical equipment			
	Metal forming machinery			
	Equipment for production of oxides, nitrides, carbides of Pu.		Mixed oxide (nitride, carbide) fuels for breeders.	
	Pellet presses		MOX	
	Analytical equipment			
	Sintering furnaces		MOX	
	X-ray machines			
	Metallographic equipment			
	Other measuring equipment			
E. Pu-238 manufacturing technology		Heat source for thermoelectric power generation.	Heat source for thermoelectric power generation.	USSR.
	Reactors			
	Np-237			
	Fuel shears, dissolution, separation, precipitation and reduction equipment.			
F. Reserved				
G. Reserved				
IV. Nuclear weapons technology		Nuclear weapons	Plowshare, Orion, Pacer	UK, France, USSR, India, PRC.
A. Computer technology		Many	Many	France, FRG, Japan, UK, USSR.
1. System manufacturing technology	High performance, high capacity computers.			
	Cooling systems			
2. Component manufacturing technology	High performance, high capacity peripheral memories (discs, tapes).		Many	
	Magnetic bubble memories (See VIII.A.).			
3. Interactive graphics technology	Interactive terminals		Many	
4. Operating systems technology	Interactive terminals, Other I/O.		Many	
B. R&D technology 1. Computer calculations	Computers, Terminals, Printers	Many	Many	Many countries.
a. Language technologies				
b. Code technologies				
2. Development testing technology	Pin technique equipment	Explosives research	Ballistics	
	High speed framing cameras	Explosives research	Fusion technology	
	High speed streak cameras	Explosives research	Fusion technology	
	Flash x-ray machines	Explosives research		France, Sweden.
	Image intensifiers		Radiology	
	Microdensitometers			FRG.
	High explosive firing equipment.	Explosives research	Prospecting	Many countries.
	Firing site	Explosives production and research.		
	Particle accelerators	Particle beam weapons, effects	Flash x-ray	France, USSR, PRC, others.
	Computers for data reduction			
3. Live nuclear test technology				UK, France, USSR, India, PRC.
	High speed oscilloscopes	Laser weapons, radar, others	Fusion technology	
	High speed digitizers		Fusion technology	
	High speed counters			
	High quality large diam. coax cables.		TV transmission	
	Fiber optics cables and components.		Telephone cables	
	Photomultiplier tubes	Neutron, gamma detectors, others	Fusion technology, others	
	Time domain reflectometers			
	High speed calibration and data recording equipment.		Fusion technology	
	Radiochemistry equipment			
	Large-hole drilling equipment			
	Computerized network analyzers.	Missile component testing		Sweden.
	Microdensitometers	Photo analysis	Phto analysis	France, UK.
	Image enhancement equipment	Info, processing, remote sensors	Info. processing, LANDSAT, earth resources sensing.	France, UK.
4. Component fabrication technology				UK, France, USSR, PRC, India.
	UF_6 to metal conversion equipment.			
	PuO_2 to metal conversion equipment.			
	Uranium casting equipment	Uranium penetrators		
	Uranium machining equipment	Uranium penetrators		
	Depleted or natural U components.	Uranium penetrators		

DOE Critical Technologies—Continued

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
	Enriched U components			
	Plutonium casting equipment			
	Plutonium machining equipment			
	High explosives casting equipment.	High explosive shells, bombs, etc.		
	High explosives pressing equipment.	High explosive shells, bombs, etc.		
	High explosives machining equipment.			
	Electrochemical machining equipment.	Aircraft	Aircraft	
	Explosive forming facilities			
	Shear forming equipment			
	Isostatic and hydrostatic presses.	Conventional munitions	Aircraft engine parts	
	Electron beam welding equipment.	Many, aircraft parts	Pipelines, medical uses, aircraft	
	Laser welding equipment			
	Many	Many		
	Filament winding machines	aircraft parts, rocket motors, reentry vehicles.		
	High precision 2-5 axis NC machine tools.	Ordnance, aircraft parts	Tool & die mfg., ceramics, aircraft parts.	Japan, FRG, France, Italy, UK, Switzerland, Belgium.
	Dimensional inspection machines (contact, non-contact, laser).	Many	Many	
	Frequency synthesizers	Radar, communications and ECM equipment.		
	Spectrum analyzers	Radar, communications and ECM equipment.		
	Laser holography equipment			
	X-ray holography equipment			
	X-radiography equipment			
	Laser interferometry equipment.			
	Laser feed back systems	Mirrors	Laser fusion technology	France.
	Rotary and linear feedback systems.	Aircraft, naval, ordnance parts	Tool & die uses, engine parts	Switzerland, FRG, Japan.
	High precision spindles (air bearings and vibration isolation).	Mirrors	Laser fusion, other optics	Japan.
	High precision linear induction motors.	Mirrors	Laser fusion, other optics	Netherlands.
	High precision lead screws	Mirrors	Laser fusion, other optics	UK.
	Single point diamond inserts	Mirrors	Laser fusion, other optics	FRG, Netherlands (?), S. Africa (?), Israel (?), USSR (?).
	Numerically controlled systems hardware.	Many	Auto, machinery, aircraft production	
	Advanced NC systems		Nuclear reactors	
	Leak detection equipment for 10^{-14} cc/s.	Neutron generator tubes	Hermetic seals, IC mfg., electron tubes.	Japan.
	Electron microprobes			France.
C. Production technology	See IV.B.4			
D. Special component technologies	High voltage power sources (battery driven).	Smart bomb & missile fuzing	Accelerators	
	Exploding bridgewire detonators.		Blasting	
	Cold cathode switches (Krytorns, sprytrons).			
	Neutron sources		Oil well logging, uranium logging, neutron standards, neutron radiography, neutron medicine.	The Netherlands, USSR.
	High energy density capacitors			
E. Special materials technologies 1. Fabrication technologies.	Filamentary materials	Reentry vehicles, aerospace components.	Space vehicles, aerospace components.	Japan, France.
	Composite materials	Aerospace components, structures	Aerospace components, structures, gas & liquid storage.	France.
	Boron-10	Naval reactor propulsion systems	Reactor controls	USSR.
	Beryllium	Guidance systems, optical systems, structures.	Electronics components, x-ray windows, space systems.	France, USSR, UK
	Beryllium-stainless steel alloys			
2. Purification technology	Ultrahigh purity rare earths (Sc & Y).			
3. Pyrotechnics fabrication technology	Metal hydride synthesis facilities.	Ordnance weapons, missiles	Fireworks, valve actuators, gas	Many countries.
		Deterrent containers	Propulsion	
4. Thermite composite fabrication technology.	Special compaction dies	Ordnance weapons, deterrent containers.	Welding, deterrent containers	Many countries.
5. Plasma polymerization technology (thin films).	Plasma coaters and cleaners	Ordnance weapons	Protective coatings for corrosion prevention.	
6. Explosive recrystalization technology		Ordnance weapons	Commercial explosives, explosive devices.	
7. Large diameter, high pressure storage vessel technology.				
8. Paper honeycomb fabrication technology	Hobe machine	Aircraft, missiles	Aircraft	

DOE Critical Technologies—Continued

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
9. Silicone adhesive technology	Vinyl-addition potting equipment.	Reversion-free, in-place potting	Many fabrication processes	
	Blown-silicone cushion equipment.	Low compression-set pre-load pads	Long life and out-gas-free assemblies.	
10. Nickel carbonyl [$Ni(CO)_4$] coating technolgy.			Corrosion prevention, sealing, Mechanical envelope.	
11. Thin film hydriding	Thin film targets	Neutron sources	Oil exploration, uranium exploration, neutron medicine, neutron standards, neutron radiography.	UK, Netherlands, USSR.
12. Electrical feedthrough technology	Cermet feedthroughs	Neutron sources	Neutron radiography	Netherlands, USSR.
V. MHD		Electric power generation, propulsion.	Electric power generation, magnetic fusion, topping cycle for steam power plants, explosive driven MHD for earthquake prediction, deep electrical sounding.	France, FRG, Japan, UK, USSR, Poland.
A. Superconducting magnet technology	See I.A.4.a			
B. Materials technology	Electrodes			
	Channels			
	Seed materials			
	Combustion chamber			
	Large valves			
	Slag condensation systems			
	Seed recovery systems			
	Heat exchangers			
C. Liquid metal handling technology			LMFBR's	
	Pumps			
	Heat exchangers			
	Metal-gas separators			
	Nozzles			
D. Plasma studies			Magnetic confinement fusion	
VI. Advanced seismic detection		Nuclear test detection	Earthquake detection	USSR, Sweden.
A. Seismometer technology	High sensitivity seismometers			
	Wide band seismometers			
	Remotely operated equipment			
B. Signal processing technology	Computers			
C. Data and command transmission and reception technology.	Satellites			
	Digitizing circuitry			
	Authentication logic			
VII. Satellite technology		Nuclear test monitoring, weapons intelligence, weapons delivery, global positioning satellites, ABM detection, intell. monitoring.	Astrophysics observations, geophysics observations, meteorological observations, LANDSAT monitoring.	PRC, USSR, Japan.
A. Detector technology	Radiation detectors			
	Photo diodes			
	Photomultiplier tubes			
	Radiation hardened electronics.			
	Receivers			
	Transmitters			
B. Data transmission and reception technology.				
VIII. Electronics				
A. Semiconductor mfg. technology		Proximity fuses, missiles, electronic warfare, radars, communication and navigation, weapon control, battlefield information, others.	Computers, control systems, consumer goods.	Japan, France, Hong Kong, Singapore, others.
	Microprocessors	Many	Many	Japan.
	Charge coupled devices			
	Continuous process tantalum sputtering equipment.			
	Photolithographic masks			
	Automated inspection equipment.			
	LSI circuits			
	VLSI circuits	Telemetry, conventional weapons, comm. and control.	Electronic equipment	FRG, Italy, Japan, Netherlands, USSR.
	Silicon photodiodes			
	Gallium arsenide and gallium phosphide devices.	High temperature uses		
	E-beam equipment for chip etching.			
	UV equipment			
	X-ray equipment			
	Equipment for bonding with silver.	Electronic equipment	Electronic equipment	FRG, Japan, UK.
	Wafer steppers	Electronic equipment	Electronic equipment	
	Ion implantation equipment (for wafers larger than 2" diam.).	Electronic Equipment	Electronic Equipment	
	Hyperpure Ge	Gamma ray detection	Gamma ray detection	
	Radiation hardened discrete, LSI, and VLSI circuits.			
	Paralene coating equipment			
	Clean rooms			
	Wire bonding machines			
	Diffusion furnaces			
	Computers for circuit analysis			
IX. Safety, security, and survivability technology.		Security of nuclear weapons, site, security, safeguards.	Industrial security, fiscal security	
A. Reserved				

DOE Critical Technologies—Continued

Critical technologies	Keystone hardware	Military applications	Civil applications	Foreign availability
B. Encryption technology	Microprocessors			
C. Electronically assisted physical security		Weapon storage site protection	Power plant protection	
	Sensors			
	Microprocessors			
	Signal processing equipment			
D. Weapon survivability	Sensors			
	Microprocessors			
X. Reserved				

C. Technology Descriptions

I. Nuclear Fule Cycle Technology

A. Uranium Enrichment. The only naturally occurring fissile material suitable for use in nuclear weapons is uranium-235 (^{235}U). It makes up approximately 0.71% of natural uranium. Some nuclear reactors contain only natural uranium fuel. Others require enriched fuel, that is, the fuel must be made of uranium that has been processed so that the ^{235}U concentration is higher than 0.71%. For use as fissile material in nuclear weapons, uranium must be highly enriched. The gaseous diffusion method of enrichment, which depends on the fact that the rate of diffusion of a gas is inversely proportional to the square root of its molecular weight, has been the method used. It requires a large plant with many (several thousand) diffusion stages, and has high power requirements. Some of the newer technologies developed or under development offer possible cost advantages for large scale production, and may be more adaptable to smaller scale use.

B. Reprocessing Technology. Reprocessing is required for optimal use of reactor fuel, whether the goal is plutonium production for weapons, or production of power. Plutonium-239 (^{239}Pu) is a suitable fissile material for weapons and for reactor fuel. When ^{238}U is exposed to thermal neutrons, as in a reactor, ^{239}U is formed by neutron capture, and decays by beta emission to ^{239}Np, then to ^{239}Pu. For recovery of the ^{239}Pu thus formed in reactor fuel elements, reprocessing is required. Various other isotopes of Pu also are formed, some of which are undesirable for use in weapons. Suitable fuel management and refueling timing can minimize their formation and obviate the need for Pu isotope separation, as well are reduce the safety hazards during reprocessing.

Uranium-233, which is also fissile and does not occur in nature, can be produced by neutron capture by thorium-232. Its recovery also requires reprocessing.

C. Heavy Water Production. Heavy water (also known as deuterium oxide, D_2O) occurs in nature. Using ocean water as a reference, the atomic abundance of deuterium in natural hydrogen is 0.0149%.

Three methods for separating D_2O from light water have been known for many years. Electrolysis of water and distillation both preferentially concentrate D_2O in the residue. Similarly, in the reaction $H_2O + D_2O — D_2 + H_2O$, the reverse reaction predominates, and at equilibrium the ratio of ^2H to ^1H in the liquid phase (i.e. D_2O to H_2O) is about three times as great as in the phase (that is D_2 to H_2).

Heavy water is of interest to the weapons community because it is a source of deuterium for the D–T reaction of thermonuclear weapons, and because of the fuel usage and conversion characteristics of heavy water moderated nuclear reactors. Heavy water moderated reactors, such as Canada's CANDU reactors, can be fueled with natural uranium, and have fairly high conversion ratios of ^{238}U to ^{239}Pu because of deuterium's very low neutron capture cross section. They therefore allow the possibility of production of weapons grade fissile material without need for access to uranium enrichment. This is also possible using graphite as a moderator, but it is not possible using ordinary water.

D. Fuel Fabrication. Fabrication of reactor fuel elements is a necessary link in the chain of processes leading from raw uranium ore to the use of reactors for power or the production of weapons grade plutonium. Dependence on an outside supplier of fuel elements may make it difficult or impossible for the possessor of a reactor to manage refueling timing to optimize ^{239}Pu production. Technology used in the fabrication of some types of fuel elements may also be applicable to the facrication of weapons components. For example, glove box lines, alpha-counters, machine tools, and other equipment would be the same, or similar.

E. UF6 Production. Uranium hexafluoride (UF_6) is the most volatile uranium compound known. At room temperature it is a dense white solid with a vapor pressure of 120 mm, but it can be readily sublimed or distilled. The gaseous diffusion enrichment process, as well as other enrichment processes such as the gas centrifuge use UF_6. See section I. A. for discussion of enrichment.

F. Fission Reactors. Many aspects of fission reactor technology are useful in providing a technology base for nuclear weapons development. For example, computer codes for calculating the progress of reactor excursions may be applicable to analysis of weapon neutronics. Reactors also provide the ability, to varying degrees, to breed or form ^{239}Pu from ^{238}U, and tritium from ^6Li, for use in weapons. Experience with nuclear instrumentation and familiarity in dealing with radiation problems are also helpful in a weapon program. Criticality experiments for weapon design studies resemble some of the aspects of reactor operation. Operation of research reactors would be especially good experience.

G. Electro-nuclear Breeders. Electro-nuclear breeder technology, to breed ^{239}Pu or ^{233}U with the aid of fission sustained with the assistance of neutrons generated from a target bombarded by high energy particles, is of interest for two reasons. The fissile material that is bred can be used in weapons, and the charged particle source and accelerator technologies developed can be applied in other critical areas.

II. Fusion Technology

A. Laser Technology. Laser technology has many possible critical applications, ranging from isotope enrichment to laser guided weapons to laser weapons. Supporting technologies for high voltage systems also have multiple applications. Energy storage and switching equipment is common to most directed energy systems.

B. Charged Particle Accelerator Technology. This technology is necessary in some approaches to inertial confinement fusion, in directed energy weapons studies, fusion reactor materials development, and to some extent in magnetic confinement fusion and basic physics research. The relevance of accelerator technology to

national defense makes it a critical technology in a military sense, but it is also critical politically and possibly economically as well. Research and development in this area is well advanced in the USSR, and there has tended to be rather unrestricted exchange between the USSR and the US concerning new component design concepts. At the same time, no one is sure that exchanged information has included the most highly developed refinements.

C. Fusion Pellet Technology. Aspects of fusion pellet technology may have direct applicability to fusion weapons.

D. Magnetic Confinement Technology. Plasma studies of MHD stability in magnetic confinement could support understanding of weapons hydrodymamics. Also deuterium and tritium reaction rate studies as well as the technology of handling these materials would be transferable to weapon programs.

E. Imploding Liner Technology. Implosion technology has been fundamental to nuclear weapon development since the days of Fat Man. Modern calculation technology, detonation systems, and experimental diagnostics all still have application to weapons.

F. Impact Fusion. To achieve impact fusion, a massive (by controlled inertial fusion standards) target of a few milligrams of deuterium and/or tritium is accelerated to velocities of the order of 10^6 m/s. A difficult part of the technology is achieving sufficiently high speeds to bring the material together forcefully enough to cause fusion.

G. Diagnostics Technology. Diagnostics instruments for controlled fusion, with requirements to function under conditions of high temperature, in a radiation environment, or with very short time response characteristics, are also important in nuclear weapons testing. Some fusion diagnostic equipment is useful also in nuclear weapon R&D programs for diagnosing the hydrodynamic performance of device mockups.

III. Reactor Production of Nuclear Materials

A. Tritium Production Technology. Tritium (T) is produced in nature by the action of cosmic radiation on nitrogen in the upper atmosphere. It is also produced as an unwanted contaminant in the water coolant of ractors, and may be produced through neutron bombardment of lithium–6 by the reaction

$$n + {}^{6}Li \rightarrow {}^{4}He + T + 4.8MeV$$

It is of interest because of its use as a fuel in thermonuclear weapons. Deuterium (D) is naturally occurring, and fusion may be made to occur between two deuterium nuclei. However, the peak reaction rate coefficient of the D–D reaction is considerably less than that of the D–T reaction.

B. Tritium Handling Technology. Tritium is a beta emitter. Being an isotope of hydrogen, it can enter into all the chemical reactions of hydrogen, including those in the body. Gaseous tritium is not significantly absorbed into the body, but water containing tritium is. It can be taken up through the lungs or mouth or absorbed through intact skin and is dispersed through all the body fluids, though exchange with the hydrogen in other body tissues is slow. In addition to its radioactive health hazard aspects, tritium has all the handling difficulties of ordinary hydrogen, with higher safety and cost penalties for failure. Experience in the handling of the material would be valuable in a weapon program.

C. Plutonium-239 Production Technology. Plutonium does not occur in nature except in very minute quantities. Several isotopes are known. Plutonium-239 is produced by neutron absorbtion by ^{238}U and subsequent beta decay. It is a fissile material that can be separated chemically from uranium, an easier process than the isotope enrichment techniques needed to produce highly enriched uranium. Plutonium can also be used as a reactor fuel. A weapon made of plutonium can be smaller in size than a comparable weapon made of uranium. Contamination of ^{239}Pu with other Pu isotopes can make it less desirable for weapons and increase the hazards of handling it.

D. Plutonium-239 Fabrication Technology. Nuclear weapons components must be fabricated with good precision. Plutonium is a difficult and hazardous material to handle. It is toxic and an alpha emitting carcinogen. Plutonium is very complex, metallurgically. Working with ^{239}Pu, as with any fissile material, requires that caution be exercised to avoid forming a critical mass when it is unintended.

E. Plutonium-238 Manufacturing Technology. Pu-238 is an alpha emitter with a half-life of 86 years. It is useful in radioisotope-powered thermoelectric generators and has been used for such applications as powering seismic and other experimental instruments on the lunar surface for Apollo missions. Unique handling difficulties arise from the fact that alpha decay keeps it at a relatively high temperature. Some of the processing and handling equipment for Pu-238 is the same as for weapon grade plutonium.

F. Reserved.

G. Reserved.

IV. Nuclear Weapons Technology

A. Computer Technology. A very important element in a modern nuclear weapon R&D program is the correlation of experimental data with self-consistent theoretical models. Computers provide a convenient and effective way to carry out such correlations and to predict improvements within the limitations of the models. Modern computer manufacturing technology comprises not only the manufacturing technology of highly integrated solid state circuits, but also includes the general architecture of the system, that is, its logic flow, peripherals, operating system, and other overall characteristics. A very crucial element is the cooling system design.

Computers are very powerful tools in many areas of research as well as in development and production of all kinds of hardware of military interest. Large scale production and use of computers at least has the potential of affecting the economics of production management in many areas. Many U.S. companies have a competitive edge because of the wide use computer controlled processing.

Computer manufacturing technology is thus considered critical because of the wide applicability of such machines throughout all levels of industry. Loss of the U.S. advantage in computer availability could be detrimental to the security of this country.

B. R&D Technology. Nuclear weapon research and development methodology has developed in the U.S. over thirty-five years to a rather sophisticated state. The methodology is optimized to "fine-tune" weapon designs, guarantee reliability, explore the limits of design, and reveal new phenomena that can affect the next generation of weapons. The U.S. nuclear weapon R&D technology as a whole may not mesh well with the aims and intentions of another country, but knowledge of it and access to the associated hardware would be a boom to a new program if only to save the time and effort consumed in reinventing ways to acquire data, and assessing which are the important pieces of data to be gathered in the program. It is worth a great deal to know which particular ways to fabricate workable components, which ways to carry out critical tests, and which methods to gather data actually work best. We would estimate that years could be saved in an R&D effort if these technologies and hardware were widely available.

C. Production Technology. Nuclear weapon "production" is not production in the usual American sense of the word. There are very few processes in the final manufacturing that were developed especially for the production phase. Materials certification, fabrication techniques and inspection are for the most part the same as those used in the R&D portions of the programs. Final assembly and packaging are additional large scale activities that characterize nuclear weapon production, but aside from these, production technologies are substantially the same as R and D component fabrication processes. There are advantages to doing things this way. Processes are developed at no cost to the production program, and development testing is done on components that are going to look very much like the final production items. For production of a limited number of complex objects, the system is optimum.

Some portions of the fabrication technologies are critical because of the unusual requirements of working with nuclear materials. Making good parts of these materials is a non-trival undertaking. In other cases there are "Black Arts" develped which give good yields, or special materials must be used to avoid compromising the performance of the end device. These technologies are critical because knowledge of them can result in a better product, a higher yield of acceptable parts, a less expensive process, or a more timely appearance of a new design.

D. Special Component Technologies. This category of technologies is critical because in general the technologies have been expensive and time consuming to acquire, and result in end products that are crucial to the reliable and proper functioning of a nuclear weapon. The problems solved by these technologies may be solved in other ways, but generally speaking the US technology is advantageous in the context of the US ground rules. Knowledge of these technologies could give relief from design constraints in developing programs, and allow advantages in time, system architecture, and support facility complexity.

E. Special Materials Technologies. These are some of the technologies that are supportive of the component fabrication technologies described earlier. Each requires development time, each provides some kind of advantage to the system design engineer, and each results in an overall advantage to the end product. The final improvement in a complex and highly optimized assembly may be large even though an improved component manufacturing technique may seem relatively minor. These supporting technologies are critical in the sense that they make available to an adversary some of the design edge that a seasoned manufacturing array possesses.

V. MHD

When a thermally ionized gas or a conducting liquid is forced at high temperature, pressure and velocity through a duct situated in a transverse magnetic field, an induced voltage appears in the third mutually perpendicular direction, and this voltage may be tapped by electrodes within the duct. The heat required may come from combustion, nuclear power or solar energy. Magnetohydrodynamics (MHD) has the long range potential, when combined with a bottoming cycle, for producing electricity from coal combustion with an efficiency of about 50%. MHD can provide a portable system for conversion of chemical to electrical energy with high efficiency.

A. Superconducting Magnet Technology. Superconducting magnets are used in magnethohydrodynamics applications to achieve intense fields with low loss. Superconducting magnet technology is also of use in several other areas of interest.

B. Materials Technology. MHD makes heavy demands on materials technology. High performance electrodes must operate in a high temperature, high velocity, corrosive environment. The channel must also survive the hostile environment. Niobium and titanium are useful for the superconducting magnets.

C. Liquid Metal Handling Technology. Liquid metal handling technology developed for use in MHD applications in which liquid metal is the conducting fluid is also applicable to liquid metal breeder reactors, which can produce fissile material for use in weapons or in reactors.

D. Plasma Studies. Study of plasma stability problems under various conditions of implosion and explosion can lead to an improved understanding of weapons hydrodynamics.

VI. Advanced Seismic Detection

This technology is critical in the sense that improvements in current seismometer technology, signal processing technology, transmission and reception technology, and integrated circuit technology may allow better detection thresholds and more accurate yield calibrations for underground shots. These improvements could be important in proliferation detection and n-th country device yield estimation. Currently the big problem to overcome in threshold detection appears to be background noise, and so one might expect that the best chances for improvement would be in signal processing to read through the noise, or in methods to suppress noise.

VII. Satellite Technology

A. Detector Technology. Satellites provide one of our principal means for detecting clandestine nuclear bursts in the atmosphere or in space near the earth in monitoring for treaty compliance, and monitoring for proliferation indications. Substantial amounts of intelligence can be gained about the level of sophistication of weapon design, as well as about the existence and location of a test. This information can be especially important in the case of a first test by an n-th nation. Knowledge of specific performance parameters of satellite detection systems could enable others to design countermeasures to deceive the detection systems and thereby reduce the information available to us in this vital area.

B. Data Transmission and Reception Technology. Data gathered by satellite-borne detector systems is of value only to the extent that it can be transmitted to and received by earth stations. The quantity of data that must be transmitted may be greatly reduced, and the effectiveness of encryption applied to it enhanced by inclusion on the satellite of memory and computing power, which are made possible by microminiturization of components to permit the achievement of sophisticated processing with minimal weight and power requirements.

VIII. Electronics

Every facet of the US defense capability depends upon electronics and most depend specifically on semiconductor electronics. Furthermore electronics has very significantly impacted upon the US production economy. Computerized processing, controlling, and recording have enabled US industry to sustain significant increases in productivity. Electronics technologies are critical because they are in widespread use, are very powerful in solving certain kinds of problems, and control the functions of sensitive defense systems.

A. Semiconductor manufacturing technology. The basic ideas of semiconductor functioning are of course widely known. Integrated circuits are collections of semiconductor elements and passive circuit elements in a single package. The critical factor in these packages is the manufacturing processes

and machinery. Developments in automated fabrication and inspection processes have made possible more reliable, more versatile, smaller packages that can perform a greater array of functions. These fabrication processes are known to some extent world wide, but only a few countries are working at the edge of the technology. Preserving the US lead in these manufacturing technologies is critical to the maintenance of superior equipment for defense and an economic advantage in goods for export.

IX. Safety, Security, and Survivability Technology

A. Reserved.

B. Encryption Technology. Encryption technology is used for the concealment of information. It supports compaction of information to reduce transmission requirements. Encryption is also used to control identification or validation keys in many applications in which it is necessary for equipment to verify the identity of an individual or the validity of an order, before granting access to the individual or obeying the order. Knowledge of advanced encryption technology may both improve an adversary's capabilities in his own use of encryption, to our detriment, and enable him to penetrate our systems, gaining information, gaining access, or causing the execution of false commands.

C. Electronically Assisted Physical Security. Technology relating to the physical protection of weapons facilities should be considered for protection from export. The understanding of this technology provides insight into ways of defeating the protective measures. Extensive R&D relative to protection in the commercial nuclear reactor area has been conducted for several years within the DOE laboratories. Much of this information has been made available through the International Safeguards program to foreign countries and in that regard may be too late to protect. Nevertheless, newer and more sophisticated computer-based techniques for analyzing data from sensors around a protected area are being developed. These techniques reduce false alarm incidence and provide intruder tracking in a way that vastly improves the protective capability of an intrusion detection system. Both the system operational capability and the related devices represent strongly sensitive areas in the overall physical protection of facilities.

D. Weapon Survivability. In defining semiconductor technology that should be protected from export, one extremely innovative area that should be considered is the applicaton of microprocessors and microcomputers. These powerful control devices are showing up in many of our most modern weapon systems. The manner in which these devices carry out their control and monitoring function could be extremely sensitive since that information could well point to vulnerable aspects of the system. In the area of future application of microcomputers in weapon systems, the area of adaptive control should be considered. The microcomputer contains the mathematical capability to implement complex adaptive algorithms to reprogram a weapon based on measured data on the well-being of critical components or environmental factors. Thus, the microcomputer could well provide the ability for the weapon to sustain substantial damage and still be reprogrammed to accomplish its mission. The Russians have for years developed advanced adaptive control theory and techniques. The microprocessor provides both them and us the opportunity to develop self-healing weapon systems. Applications of microcomputers to such problems should be treated as sensitive technology.

X. Reserved.

References

1. Chapman, Ray E., "Proposed New Approach to Export Control," DOE/OISA memorandum to distribution dated Aug. 14, 1979, unclass.
2. J. Fred Bucy, et al., "An Analysis of Export Control of U.S. Technology—A DoD Perspective," a report of the Defense Science Board Task Force on Export of U.S. Technology, written at the request of USDDR&E, February 1976, unclass.
3. Export Administration Act of 1979, 50 USC APP 2401, Sec. 5D.
4. Herbert Kleiman, "Final Summary Report on Identification of Strategically Significant Technologies," work done at Battelle Columbus sponsored by Dept. of Defense Research and Engineering International Programs Office, January 1978.
5. "A Methodology for the Identification of Militarily Critical Technologies," Meyer Consultants, March 31, 1980, as modified by the (IDA) Critical Technologies Project.

[FR Doc. 80-30511 Filed 9-30-80; 8:45 am]

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federal register

Wednesday
October 1, 1980

Part VII

Department of Energy

Federal Energy Regulatory Commission

Order Delegating Authority to the Director, Office of Pipeline and Producer Regulation, to Grant Exemptions from Incremental Pricing

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1 and 282

[Docket No. RM80-78]

Order Delegating Authority Under Section 206(d) of the Natural Gas Policy Act of 1978 to the Director, Office of Pipeline and Producer Regulation, to Grant Exemptions from Incremental Pricing and Amending §§ 1.41 and 282.206

Issued September 23, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim rule.

SUMMARY: The Federal Energy Regulatory Commission delegates to the Director of the Office of Pipeline and Produces Regulation the authority of the Commission under section 206(d) of the Natural Gas Policy Act to grant exemptions on a case-by-case basis from incremental pricing under section 201 of the Act. The Commission's regulations concerning incremental pricing exemptions are amended (1) to reflect this delegation, (2) to declare that such an individual exemption is to be granted only in the case of special hardship, inequity, or an unfair distribution of burdens created by incremental pricing requirements, and (3) to direct that such an exemption is to be considered under the same procedures and standards which the Director of the Office of Pipeline and Producer Regulation uses in considering requests for adjustments under section 502(c) of the Natural Gas Policy Act. The Commission's regulation concerning adjustment request procedures is amended to conform to the terms of this delegation and authority.

DATES: The effective date of the interim rule is September 23, 1980. Requests for hearing are due on or before October 3, 1980. If a hearing is scheduled in this docket, it will be held on October 17, 1980 and will be announced on October 6, 1980. Comments are due on or before November 3, 1980.

ADDRESS: All findings should be made with: Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Christine P. Benagh, Staff Attorney (202) 357-8446.

I. Summary

The Federal Energy Regulatory Commission (Commission) hereby delegates its authority under section 206(d) of the Natural Gas Policy Act of 1978 [1] (NGPA) to the Director, Office of Pipeline and Producer Regulation, (Director) to exempt on a case-by-case basis industrial facility uses of natural gas otherwise subject to incremental pricing under section 201 of the NGPA.

Section 282.206 of the Commission's regulations is revised to implement this delegation and to prescribe for such exemptions the same standards and procedures employed by the Director in processing requests for Staff adjustments under section 502(c) of the NGPA.

II. Background and Discussion

Section 206(d)(1) of the NGPA establishes the authority of the Commission to exempt, by rule or order, in whole or in part, any industrial facility or category of facilities from the incremental pricing provisions of section 201 or 202. Where entire categories of industrial facilities are to be exempted, a generic rulemaking is appropriate. However, that process is too protracted to grant timely relief to individual companies that have requested an exemption and whose situation requires immediate response.

The Commission believes that the use of the word "order" in section 206(d)(1) indicates that Congress contemplated and authorized the granting of exemptions on a case-by-case as well as a generic basis.[2] As we noted in *Vertac Chemical Corporation,*[3] individual applications for exemptions from incremental pricing, like requests for adjustments under section 502(c), are better-suited for review and disposition on a case-by-case basis.[4] The rule being issued implements that interpretations by establishing procedures and standards for granting exemptions on a case-by-case basis.

Section 206(d)(2) of the NGPA requires the Commission to submit for Congressional review rules which grant incremental pricing exemptions. As discussed in *Vertac Chemical Corporation,* the Commission believes that Congress wished to review only generic rulemakings issued under section 206(d)(1), not the orders issued in those individualized proceedings addressed in this rule.[5] Accordingly, the Commission does not believe that section 206(d)(2) is applicable to case-by-case determinations addressed by this rule. Section 282.206 of the Commission's regulations is also amended to emphasize that any person may still petition the Commission for the promulgation of an exemptive rule that will, upon final promulgation, be subject to Congressional review.

Upon examining the special circumstances that Vertac Chemical Corporation exhibited, the Commission determined that it would be appropriate there to apply the standards of "special hardship, inequity, or unfair distribution of burdens" found in section 502(c) of the NGPA for processing applications for adjustments.[6] The rule being issued adopts this standard. Because requests for exemptions in individual cases will be based upon allegations of special hardship, inequity, or unfair distribution of burdens, they will require rapid response from the Commission. Such requests can be handled more expeditiously by the Director of OPPR than by the full Commission. Therefore, it is administratively preferable to delegate the authority to issue such exemptive orders to the Director of OPPR. The Director will employ the same procedures established in § 1.41, which apply to requests for adjustments from Commission rules and orders and incorporate the standards being reiterated in § 282.206(b) for purposes of clarity. Section 1.41 is also amended to make it explicit that it is applicable to any exemption granted under § 282.206(b).

For the foregoing reasons, the Commission is amending its rules on an interim basis by delegating to the Director of OPPR the Commission's authority under section 206(d)(1) of the NGPA to issue orders exempting, in whole or in part, incrementally priced industrial facilities from the incremental pricing provisions of section 201 of the NGPA. The Director shall, in issuing such orders, apply the same procedures and standards established in § 1.41 of the Commission's Rules of Practices and Procedures, as amended from time to time.

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[1] 15 U.S.C. § 3346.

[2] The pertinent provision states, "The Commission may, by *rule or order,* provide for the exemption, in whole or in part, of any other incrementally priced industrial facility or category thereof from the rule prescribed under section 201 (including any amendment under section 202 to such rule)." [Emphasis added.]

[3] Vertac Chemical Corporation, Order Granting Temporary Exemption From Incremental Pricing, Docket Nos. SA80-62 and SA80-63 (issued Aug. 29, 1980).

[4] *Id.* at 3.

[5] *Vertac, supra* note 2 at 2.

[6] Vertac was discharging its debts pursuant to a court's order in discharge of bankruptcy and was still suffering from a severely crippled financial status.

III. Public Procedures and Effective Date

The immediacy of the needs of those requesting exemptions based upon special hardship, inequity, or unfair distribution of burdens creates good cause for the immediate effectiveness of this rule which provides those companies with a more expeditious avenue of relief than full Commission consideration. Therefore, the Commission finds it to be in the public interest to dispense with notice and comment under 5 U.S.C. 553(b) and to make this rule effective immediately, as an interim rule.

Pursuant to section 502(b) of the NGPA, the Commission invites interested persons to submit data, views and other information concerning the matters addressed in this rule. An original and 14 copies of written comments should be filed with the Commission by November 3, 1980. Interested persons may also request the opportunity for an oral presentation of their views at a public hearing. Requests for an oral hearing should be filed with the Commission by October 3, 1980. Such comments and requests should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM80-78. If a public hearing is held in this docket, it will be held at the above address on October 17, 1980, and will be announced October 6, 1980.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 during regular business hours.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301, *et seq.;* Department of Energy Organization Act, 42 U.S.C. §§ 7101, *et seq.;* E.O. 12009, 3 CFR 142 (1978))

In consideration for the foregoing, the Commission amends Part 1, Subchapter A, and Subpart B, Part 282, Subchapter I, of Chapter I, Title 18 of the *Code of Federal Regulations,* on an interim basis, as provided below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 282.206 is amended to read as follows:

§ 282.206 Petitions for exemptions under section 206(d).

(a) *Petitions to the Commission for exemptive rules.* (1) *General rule.* Any person may petition the Commission to issue a rule of general applicability under the authority of Section 206(d) of the NGPA for the exemption, in whole or in part, or any non-exempt industrial boiler fuel facility or category thereof.

(2) *Filing requirements.* A petition of a general rule under this paragraph shall:

(i) Conform to the requirements of § 1.7;

(ii) Contain sufficient information and data to permit review of the request on the merits; and

(iii) Provide an analysis of any environmental issues which are relevant to the petition.

(3) *Notice.* Public notice of the filing of a petition for a general rule of the Commission shall be given with opportunity for comment by interested persons.

(4) *Denial without prejudice.* A petition for a general rule of the Commission which is not acted upon within 90 days of the date for submission of comments shall be deemed denied without prejudice.

(b) *Petitions for exemptive orders of the Director of the Office of Pipeline and Producer Regulation.* (1) *General rule.* Any person may petition the Commission to grant by order an exemption, under the authority of section 206(d) of the NGPA, in whole or in part, from incremental pricing, to any non-exempt industrial boiler fuel facility, in accordance with the provisions of § 1.41.

(2) *Criteria.* As provided in § 1.41(h), the Director of the Office of Pipeline and Producer Regulation or a person who is designated by the Director and who is an employer of the Commission, shall grant a petition where there are sufficient facts to make a determination on the merits and where the Director, or delegate of the Director, determines that an exemption is necessary to prevent or alleviate:

(i) Special hardship; or

(ii) Inequity; or

(iii) An unfair distributions of burdens.

2. § 1.41, in paragraphs (a)(1) and (b)(1), is amended as follows:

§ 1.41 Requests for adjustments under the NGPA.

(a) *Applicability.* (1) Except as provided in paragraph (a)(2) of this section, this section applies to proceedings of the Commission held in accordance with:

(i) Section 502(c) of the NGPA to provide for adjustments of:

(A) Commission rules, and

(B) Commission orders having the applicability and effect of a rule as defined in 5 U.S.C. 551(4) and issued under the NGPA, except orders issued under sections 301, 302, and 303 of the NGPA;

(ii) Section 206(d) of the NGPA to provide for exemptions for industrial boiler fuel facilities from incremental pricing provisions of the NGPA under § 282.206.

* * * * *

(b) *Definitions.* For purposes of this section:

(1) "Adjustment" means an order issued by Staff under paragraph (i) of this section:

(i) Granting relief from an order or rule issued by the Commission under the NGPA,

(A) Including exceptions, exemptions, modification, and recissions of rules and orders have the effect of rule as defined in 5 U.S.C. 551(4) and issued under the NGPA; but

(B) Excluding requests for just and reasonable rates under sections 104, 106, and 109 of the NGPA; and

(ii) Granting an exemption, in whole or in part, of incrementally priced industrial boiler fuel facilities from section 201 of the NGPA, under the authority of section 206(d) of the NGPA and § 282.206;

* * * * *

[FR Doc. 80-30051 Filed 9-30-80; 10:00 am]

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Federal Register

Vol. 45, No. 192

Wednesday, October 1, 1980

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FEDERAL REGISTER PAGES AND DATES, OCTOBER

64879-65172.....1

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

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.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—OCTOBER 1980

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

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In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

All January dates are in 1981.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
October 1	October 16	October 31	November 17	December 1	December 30
October 2	October 17	November 3	November 17	December 1	December 31
October 3	October 20	November 3	November 17	December 2	January 2
October 6	October 21	November 5	November 20	December 5	January 5
October 7	October 22	November 6	November 21	December 8	January 5
October 8	October 23	November 7	November 24	December 8	January 6
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October 27	November 12	November 26	December 11	December 26	January 26
October 28	November 12	November 28	December 12	December 29	January 26
October 29	November 13	November 28	December 15	December 29	January 27
October 30	November 14	December 1	December 15	December 29	January 28
October 31	November 17	December 1	December 15	December 30	January 29

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300-end	4.50
22	8.00
23	7.00
24 Parts:	
0-499	11.00
500-1699	9.00
1700-end	6.00
26 Parts:	
1 (§§ 1.170-1.300)	6.50
1 (§§ 1.851-1.1200)	8.00
2-29	7.50
40-299	7.50
500-599	6.50
600-end	5.00
27 Parts:	
1-199	6.50
200-end	7.50

CFR Unit (Rev. as of July 1, 1980):

40 Parts:	
0-51	7.50
81-99	8.50
425-end	7.50
41 Chapters:	
9 (Supplement)	3.00
18 (Vol. I)	7.50
18 (Vol. II)	9.00
18 (Vol. III)	7.50
CFR Index	

CFR Unit (Rev. as of Oct. 1, 1979):

42 Parts:	
1-399	8.00
400-end	8.00
43 Parts:	
1-999	5.50
1000-end	9.00
44	5.50
45 Parts:	
1-99	6.50
100-149	7.00
150-199	7.00
200-499	5.00
500-1199	7.00
1200-end	6.50
46 Parts:	
1-29	4.25
30-40	4.50
41-69	6.50
70-89	4.75
90-109	4.75
110-139	4.25
140-155	5.50
156-165	5.50
166-199	5.25
200-end	8.50
47 Parts:	
0-19	6.50
20-69	8.00
70-79	7.00
80-end	8.00
48 [Reserved]	
49 Parts:	
1-99	4.75
100-177	7.00
178-199	7.00
200-399	7.00
400-999	7.00
1000-1199	7.00
1200-1299	9.00
1300-end	6.00
50	8.00

PROJECTED 1980 AND 1981 CFR ISSUANCES
Second, Third and Fourth Quarter

On April 1, 1980, the Office of the Federal Register introduced this list as a new reader aid. The list was developed in response to numerous requests from CFR subscribers and other members of the public for a pre-publication schedule that would indicate the planned content and revision date for each CFR volume being issued by the OFR. The April 1 publication projected plans for issuing CFR volumes during the first two quarters of 1980 (January 1 and April 1).

On July 1, 1980, the Office of the Federal Register published a list restating the publication plans for the first two quarters (January and April) and projected the publication plans for the third quarter (July 1).

This list restates the publication plans for the second and third quarters (April 1 and July 1) and projects the publication plans for the fourth quarter (October 1). A projected schedule that will include the first quarter for 1981 (January—Titles 1 through 16) will appear in the first **Federal Register** issue of January, 1981, immediately after the CFR checklist.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16 — January 1
Titles 17-27 — April 1
Titles 28-41 — July 1
Titles 42-50 — October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume. With a few exceptions, all volumes are completely revised and supersede any previous edition. The exceptions are:

A. Title 21 (Part 1300 to end—1308 Table). There were no amendments published during the revision period and, therefore, a cover only was issued indicating that the last revised edition published April 1, 1979, should be retained.

B. Title 32 (Parts 1 to 39, Volumes I, II, and III). A supplement to the three July 1, 1979 editions was issued. The supplement contains the changes published during the period July 2, 1979 through July 1, 1980.

C. Title 41 (Chapter 9). A supplement to the July 1, 1979 edition was issued which contains the changes published during the period July 2, 1979 through July 1, 1980.

D. Title 32A. This volume is abolished.

E. Title 34. Title 34—Government Management was vacated and reserved at 44 FR 60286, Oct. 19, 1979. Regulations previously appearing in Title 34 were transferred to Title 5, Chapter III. Title 34—Education was established at 45 FR 30802, May 9, 1980. This volume reflects the regulations published during the period May 9, 1980 through July 1, 1980.

F. Title 35. On July 1, 1980, it was announced that this volume would be revised as of October 1, 1980. The revision date has been further postponed until December 31, 1980, in order to include major authority changes required by EO 12215.

G. Title 45 (Parts 100-149 and 150-199). These volumes contain regulations of the Department of Education (ED) that are to be transferred to Title 34. For details, see Department of Education document published on May 9, 1980 (45 FR 30802). Since the ED document recodifying 45 CFR Parts 100-199 into Title 34 has not been published in the **Federal Register** to date, the OFR is delaying revision of these volumes. The final publication schedule for the 1980 editions of Title 34 (Part 200-end) and Title 45, Parts 100 through 199 will be announced in the January, 1981 projected schedule.

H. Title 49 (Parts 100 to 177 and Parts 178 to 199). The October 1 revision date has been postponed until December 1, 1980, in order to include major revisions in the hazardous materials table.

Since these are projected issuances, pricing information is not available at this time on all volumes. Individual announcements of the actual release of CFR volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR Checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Titles revised as of April 1, 1980, unless otherwise noted:

Title	Title
17 Parts:	**18 Parts:**
0-239	1-149
240-end	150-end
19	500-1699
20 Parts:	1700-end
1-399	**25**
400-499	**26 Parts:**
500-end	1 (§§ 1.0-1.169)
21 Parts:	1 (§§ 1.170-1.300)
1-99	1 (§§ 1.301-1.400)
100-169	1 (§§ 1.401-1.500)
170-199	1 (§§ 1.501-1.640)
200-299	1 (§§ 1.641-1.850)
300-499	1 (§§ 1.851-1.1200)
500-599	1 (§§ 1.1201-end)
600-799	2-29
800-1299	30-39
1300-end	40-299
1308 Table (Cover only)	300-499
22	500-599
23	600-end
24 Parts:	**27 Parts:**
0-499	1-199
	200-end

Titles revised as of July 1, 1980, unless otherwise noted:

Title	Title
CFR Index	**35** (To be revised as of December 31, 1980)
28	**36**
29 Parts:	**37**
0-499	**38**
500-1899	**39**
1900-1910	**40 Parts:**
1911-1919	0-51
1920-end	52
30 Parts:	53-80
0-199	81-99
200-end	100-399
31 Parts:	400-424
0-199	425-end
200-end	**41 Chapters:**
32 Parts:	1-2
1-39, Vol. I-III (Supplement)	3-6
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400-699	8
700-799	9 (Supplement)
800-999	10-17
1000-end	18 Vol. I
33 Parts:	18 Vol. II
1-199	18 Vol. III
200-end	19-100
34 Parts:	101
0-199	102-end

Titles to be revised as of October 1, 1980, unless otherwise noted:

Title	Title
42 Parts:	156-165
1-399	166-199
400-end	200-399
43 Parts:	400-end
1-999	**47 Parts:**
1000-end	0-19
44	20-69
45 Parts:	70-79
1-99	80-end
100-149 (Revision date to be announced)	**48**
150-199 (Revision date to be announced)	**49 Parts:**
200-499	1-99
500-1199	100-177 (To be revised as of December 1, 1980)
1200-end	178-199 (To be revised as of December 1, 1980)
46 Parts:	200-399
1-29	400-999
30-40	1000-1199
41-69	1200-1299
70-89	1300-end
90-109	**50 Parts:**
110-139	1-199
140-155	200-end

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CEA Commodity Exchange Authority
EMS Export Marketing Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ESCS Economics, Statistics, and Cooperatives Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
RDS Rural Development Service
REA Rural Electrification Administration
RTB Rural Telephone Bank
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

CROED Civil Rights Office, Education Department
MSI Museum Services Institute
NIE National Institute of Education

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SOLAR Conservation and Solar Energy Office
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS—Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Center for Disease Control
ESNC Educational Statistics National Center
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute of Occupational Safety and Health
PHS Public Health Service
RSA Rehabilitation Services Administration
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO/HUD Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
SMO Surface Mining Office
WPRS Water and Power Resource Service

JUSTICE Justice Department

DEA Drug Enforcement Administration
BJS Bureau of Justice Statistics
INS Immigration and Naturalization Service
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission

LABOR Labor Department

BLS Bureau of Labor Statistics
BRB Benefits Review Board
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office

LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
OHMR Office of Hazardous Materials Regulations
OPSR Office of Pipeline Safety Regulations
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
ESO Economic Stabilization Office (temporary)
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

AC Aging, Federal Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CASB Cost Accounting Standards Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
ESSA Endangered Species Scientific Authority
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Services
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
ICP Interim Compliance Panel (Coal Mine Health and Safety)
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MBDA Minority Business Development Agency
MSPB Merit System Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
Trade Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

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

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

60406 9-12-80 / Milk marketing orders, Southern Michigan milk supply plants, temporary suspension of certain provisions

Farmers Home Administration—

57974 8-29-80 / Conservation of petroleum and natural gas through changes in USDA financial assistance programs

Food and Nutrition Service—

46036 7-8-80 / 1980 Food Stamp eligibility limits

CIVIL AERONAUTICS BOARD

48867 7-22-80 / Elimination of certain reporting requirements and changes in monthly financial reporting for certificated carriers; amendment of statistical reporting requirements for small carriers and new entrants

COMMERCE DEPARTMENT

57960 8-29-80 / Financial assistance programs regarding energy conservation, miscellaneous amendments

National Oceanic and Atmospheric Administration—

57722 8-29-80 / Fishermen's Protective Act procedures provisions for fees

DEFENSE DEPARTMENT

Engineers Corps—

57125 8-27-80 / Danger zones and restricted areas at certain military facilities in the Hawaiian Islands

ENERGY DEPARTMENT

Economic Regulatory Administration—

56732 8-25-80 / Crude Oil Supplier/Purchaser Rule

Federal Energy Regulatory Commission—

37420 6-3-80 / Electric utilities; elimination of Form No. 12E-2

FEDERAL RESERVE SYSTEM

77139 12-31-79 / Truth in lending; calculation and disclosure of annual percentage rates

GENERAL SERVICES ADMINISTRATION

58122 9-2-80 / Information system for furniture, furnishings, and certain other items

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration—

6326 1-25-80 / Fiscal disallowance for erroneous payments in Aid to Families with Dependent Children and Medicaid Programs; calculating reduction in Federal financial participation for incorrect payment by States after September 1980

54757 8-18-80 / Medicare Program; clarification of intensive care reimbursement provisions

57126 8-27-80 / Medicare program; cost reporting requirements for home health agencies

Human Development Services Office—

48144 7-18-80 / Social service programs; administration of grants

Office of the Secretary—

59318 9-9-80 / Refugee Resettlement Program; Plan and reporting requirements for states

Social Security Administration—

6326 1-25-80 / Fiscal disallowance for erroneous payments in Aid to Families with Dependent Children and Medicaid Programs; calculating reduction in Federal financial participation for Incorrect Payment by States After September 1980

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development, Office of the Assistant Secretary—

59496 9-9-80 / Community development block grants: Innovative grants programs; clarification of program objectives and requirements for unsolicited proposals, solicited preapplications

59868 9-11-80 / Community development block grants and comprehensive planning assistance; consolidation of grants for certain insular areas

59306 9-9-80 / Community Development Block Grants and Urban Development Action Grants

Fair Housing and Equal Opportunity, Office of the Assistant Secretary—

59510 9-9-80 / Nondiscrimination and equal opportunity in housing under Executive Order 11063

Federal Housing Commissioner—Office of the Assistant Secretary—

59867 9-11-80 / Insurance of financial institutions which make or purchase loans for mobile homes improvement

60836 9-12-80 / Low-income public housing development; processing procedures

59792 9-10-80 / Mortgage and loan insurance programs; coinsurance for State housing finance agencies; eligibility requirements, contract rights and obligations

59147 9-8-80 / Mortgage insurance and interest reduction payment for rental projects

59502 9-9-80 / PHA-owned projects; uniform standards and procedures for determining the amounts of utility allowances and surcharges applicable to tenants of dwellings units

60394 9-11-80 / Public Housing Agencies (PHA's); annual contributions for operating subsidy; performance funding system

59145 9-8-80 / Rent supplement payments; redefinition of "income"

59309 9-9-80 / Section 8 Housing Assistance Payments Program, Computation of gross family contribution

Office of the Secretary—

59149 9-8-80 / Low-income housing; additional assistance program for projects with HUD-insured and HUD-held mortgages

INTERIOR DEPARTMENT

Indian Affairs Bureau—

57392 8-28-80 / Irrigation projects, annual operation and maintenance charges

INTERSTATE COMMERCE COMMISSION

58128 9-2-80 / New proceedings in motor carrier restructuring proceedings

58129 9-2-80 / Released rates in conjunction with a small shipments tariff

NUCLEAR REGULATORY COMMISSION

45256 7-3-80 / Access to and protection of national security information restricted data

[*See also* 45 FR 14476, 3-5-80]

POSTAL SERVICE

42616 6-25-80 / Revised procedures for handling postage meters used by Federal agencies

SECURITIES AND EXCHANGE COMMISSION

57707 8-29-80 / Obligations of self-regulatory organizations with respect to final disciplinary actions, denials, bars or limitations respecting membership, association, participation or access to services and summary suspensions

TRANSPORTATION DEPARTMENT

Coast Guard—

45278 7-3-80 / Distress signals; heptane ignition test for hand red flares;

Federal Highway Administration—

52365 8-7-80 / Motor vehicles; State certification of size and weight enforcement

[Corrected at 45 FR 55716, 8-21-80]

Federal Highway Administration and National Highway Traffic Safety Administration—

59143 9-8-80 / State highway safety agencies; authority and functions

Office of the Secretary—

58022 8-29-80 / Energy conservation by recipients of Federal financial assistance

Research and Special Programs Administration—

35329 5-27-80 / Hazardous materials aboard aircraft

20097 3-27-80 / Transportation of radioactive materials

VETERANS ADMINISTRATION

48886 7-22-80 / Veterans education; paying educational assistance during intervals between terms

Deadlines for Comments On Proposed Rules for the Week of October 5 through October 11, 1980

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

61636 9-17-80 / Eliminating or simplifying the "race to the courthouse" in appeals from agency orders; draft recommendations; comments by 10-10-80

AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—

52817 8-8-80 / 1981 extra long staple cotton program; proposed determinations regarding national marketing quota, national acreage allotment, and other related provisions; comments by 10-7-80

Animal and Plant Health Inspection Service—

52816 8-8-80 / West Indian sugarcane bores; comments by 10-7-80

Federal Grain Inspection Service—

52339 8-6-80 / Proposed revisions to Warehouseman's Sample—Lot Inspection Certificate; comments by 10-6-80

Food and Nutrition Service—

53066 8-8-80 / Food stamp program; work registration and job search requirements; comments by 10-7-80

Alaska Natural Gas Transportation System, Federal Inspector Office—

60362 9-11-80 / Enforcement procedures for equal opportunity regulations; comments by 10-10-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

61341 9-16-80 / Proposed closure of the fishery conservation zone (FCZ) area offshore and north of Atlantic City, N.J. to surf clam fishing; comments by 10-6-80

58632 9-4-80 / Regional Fishery Management Councils; Intercouncil Boundaries; comments by 10-6-80

COMMODITY FUTURES TRADING COMMISSION

62847 9-22-80 / Minimum financial and related reporting requirements for futures commission merchants; comments extended to 10-8-80

[*See also* 45 FR 42633, 6-25-80]

EDUCATION DEPARTMENT

Office of the Secretary—

52136 8-5-80 / Instructional media for the handicapped; comments by 10-6-80

52052 8-5-80 / Nondiscrimination under programs receiving Federal assistance through the Department of Education; comments by 10-6-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

54688 8-15-80 / Mandatory petroleum price regulations; Tertiary incentive program amendments; comments by 10-10-80

ENVIRONMENTAL PROTECTION AGENCY

59591 9-10-80 / Approval and promulgation of implementation plans; Lake Tahoe Basin Nonattainment Area Plans and Regulations in the States of California and Nevada; comments by 10-10-80

59597 9-10-80 / Approval and promulgation of nonattainment plan for Illinois; comments by 10-10-80

59334 9-9-80 / Approval and promulgation of implementation plans; nonattainment area plans; Nevada; comments by 10-9-80

58598 9-4-80 / Approval of revisions of Georgia State Implementation Plan regarding Part D, Title I, Clean Air Act for particulate nonattainment areas in Atlanta and Savannah; comments by 10-6-80

58883 9-5-80 / California State Implementation Plan; Sacramento Valley Air Basin Nonattainment Area Plan; approval and promulgation of implementation plan; comments by 10-6-80

58881 9-5-80 / Colorado State Implementation Plan; approval and promulgation; comments by 10-6-80

52841 8-8-80 / Designation of areas for air quality planning purposes Indiana; comments by 10-7-80

59907 9-11-80 / Hazardous substances and determination of reportable quantities; addition of carcinogens; comments extended to 10-8-80

[*See also* 45 FR 46094 and 46097, 7-9-80]

58896 9-5-80 / Illinois Nonattainment Plan; approval and promulgation; comments by 10-6-80

59179 9-8-80 / New Mexico; designation of areas for air quality planning purposes; comments by 10-8-80

59179 9-8-80 / Oklahoma; designation of areas for air quality planning purposes; comments by 10-8-80

58599 9-4-80 / Proposed corrections to conditionally approved portions of Delaware State Implementation Plan; comments by 10-6-80

53187 8-11-80 / Provisions to implement the municipal wastewater treatment works construction grants program and the National Environmental Policy Act; comments by 10-10-80

58897 9-5-80 / San Joaquin Valley Air Basin Nonattainment Area Plan; approval and promulgation of implementation plans; comments by 10-6-80

58912 9-5-80 / South Central Coast Air Basin Nonattainment Area Plan; approval and promulgation of implementation plans; comments by 10-6-80

59341 9-9-80 / State and Federal administrative orders permitting a delay in compliance with State implementation plan requirements; Guam Power Authority; comments by 10-9-80

59329 9-9-80 / State implementation plan to control particulate emissions from iron and steel processes; Michigan; comments by 10-9-80

51855 8-5-80 / Toxic Substances Control Act; records and reports of allegations of significant adverse reactions to health or the environment; corrections; comments by 10-9-80

47008 7-11-80 / Toxic substances; keeping of records and reports of allegations of significant adverse reactions to health or environment; comments by 10-9-80

58600 9-4-80 / Tolerance for herbicide and plant regulator trifluralin in or on upland cress at 0.05 part per million; comments by 10-6-80

FEDERAL COMMUNICATIONS COMMISSION

54784 8-18-80 / Amendment of computing devices rules clarifying which electronic games are exempted from Commission certification; reply comments by 10-7-80

54786 8-18-80 / Amendment of Form 324, annual financial report of broadcast stations; comment period extended to 10-9-80

[*See also* 45 FR 35370, May 27, 1980]

47445 7-15-80 / Cable television systems and postponement of divestiture requirement relative to prohibited cross ownership in existence on or before July 1, 1970; comments by 10-6-80

55239 8-19-80 / FM broadcast station in Ladysmith, Wis.; table of assignments; comments by 10-6-80

55240 8-19-80 / FM broadcast station in Smithfield, Utah; table of assignments; comments by 10-6-80

55238 8-19-80 / FM broadcast station in Spokane, Wash.; comments by 10-6-80.

55237 8-19-80 / FM broadcast station in Wray, Colo.; table of assignments; comments by 10-6-80

60955 9-15-80 / Interface of the International Telex Service with the Domestic Telex and TWX services; reply comments by 10-8-80

42753 6-25-80 / TV broadcast stations in Santa Barbara, Calif.; reply comments by 10-6-80

[*See* 45 FR 28770, 4-30-80]

55245 8-19-80 / Use of digital voice modulation in the Power Radio Service; comments by 10-8-80

FEDERAL EMERGENCY MANAGEMENT AGENCY

59346 9-9-80 / National Flood Insurance Program; comments by 10-9-80

FEDERAL HOME LOAN BANK BOARD

52177 8-6-80 / Federally-chartered Savings and Loan Associations and Mutual Savings Banks; investment in consumer loans, commercial paper and corporate debt securities; comments by 10-6-80

52173 8-6-80 / Revision of real estate lending regulations; comments by 10-6-80

FEDERAL MARITIME COMMISSION

58923 9-5-80 / Agreements approved pursuant to section 15 of the Shipping Act, 1916; time for filing and commenting; comments by 10-6-80

FEDERAL TRADE COMMISSION

51838 8-5-80 / Guides against deceptive advertising of guarantees; comments by 10-6-80

52750 8-7-80 / Sale of used motor vehicles; information disclosure window stickers; comments by 10-7-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

58835 9-5-80 / Bakers yeast glycan; Food additives permitted for direct addition to food for human consumption; objections by 10-6-80

58836 9-5-80 / Polysorbate 60; food additives permitted for direct addition to food for human consumption; objections by 10-6-80

58835 9-5-80 / Polysorbate 80; food additives permitted for direct addition to food for human consumption; objections by 10-6-80

58837 9-5-80 / Polyoxymethylene homopolymer; antioxidants and/or stabilizers for polymers; objections by 10-6-80

Health Care Financing Administration—

53189 8-11-80 / Revision of provisions establishing guidelines for designation of professional standards review organization areas; comments by 10-10-80

HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Office of Assistant Secretary for—

52762 8-7-80 / Urban homesteading program; comments by 10-6-80

Federal Housing Commissioner, Office of Assistant Secretary for Housing—

52371 8-7-80 / Low-income public housing; PHA owned projects; continued operation after completion of debt service; comments by 10-6-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

59603 9-10-80 / Addition of National Wildlife Refuges to the list of open areas; migratory game bird hunting, upland game hunting, big game hunting, and sport fishing; comments by 10-10-80

Heritage Conservation and Recreation Service—

59590 9-10-80 / Criteria for comprehensive Statewide historic surveys and plans; comments by 10-10-80

51843 8-5-80 / National Register of Historic Places; comments by 10-6-80

Indian Affairs Bureau—

53164 8-11-80 / Indian mineral development regulations; comments by 10-10-80

Land Management Bureau—

52303 8-6-80 / Alaska Native Allotment Act; requirements for occupancy and use of native allotment; comments by 10-6-80

INTERSTATE COMMERCE COMMISSION

57153 8-27-80 / Accounting and reporting of railroads' freight train car repair costs; comments by 10-6-80

59909 9-11-80 / Freight forwarder contract rates; implementation of Pub. L. 96-296; comments extended to 10-10-80

[*See also* 45 FR 53190, 8-11-80]

55734 8-21-80 / Motor carrier rate bureaus, requirements and standards for continued immunity from antitrust laws; (implementation of Pub. L. 96-296); comments by 10-6-80

58632 9-4-80 / Traffic protective conditions in railroad consolidation proceedings; comments extended to 10-8-80

[*See also* 45 FR 46461, 7-10-80 and 45 FR 56849, 8-26-80]

LABOR DEPARTMENT

Pension and Benefit Welfare Program Office—

52824 8-8-80 / Individual benefit reporting and recordkeeping for multiple employer plans; comments by 10-7-80

SECURITIES AND EXCHANGE COMMISSION

56822 8-26-80 / Self-regulatory organizations; record retention, production, and destruction; comments by 10-10-80

TRANSPORTATION DEPARTMENT

Coast Guard—

56365 8-25-80 / Inland waterways navigation regulations applicable to Great Lakes Region; comments by 10-9-80

55768 8-21-80 / Vessels; application for certificate of number, change in rquired contents; comments by 10-6-80

Federal Aviation Department—

53316 8-11-80 / Air taxi operators and commercial operators; flight crew member flight and duty time limitations and rest requirements; initial comments by 10-10-80

59905 9-11-80 / Petition for ruelmaking by Air Transport Association of America regarding ozone concentration in cabin; comments by 10-10-80

Federal Highway Administration—

39872 6-12-80 / Qualifications of drivers; comments by 10-10-80

National Highway Traffic Safety Administration—

46459 7-10-80 / Evaluation of Federal motor vehicle safety and fuel economy standards; comments by 10-8-80

TREASURY DEPARTMENT

Internal Revenue Service—

51840 8-5-80 / Generation-skipping transfer tax regulations under the Tax Reform Act of 1976; Return requirements; comments by 10-6-80

52399 8-7-80 / Income tax; deductions for business use or rental of dwelling unit; comments by 10-6-80

Deadlines for Comments On Proposed Rules For the Week of October 12 through October 18, 1980

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

53449 8-12-80 / Foreign quarantine notices; importation of Maypan Variety of Coconut from Jamaica; comments by 10-14-80

54302 8-15-80 / Mediterranean fruitfly, expanding area listed as a regulated area in Santa Clara County, Calif.; comments by 10-14-80

Commodity Credit Corporation—

60914 9-15-80 / 1980 Crop sunflower seed price support program; comments by 10-15-80

Federal Crop Insurance Corporation—

54346 8-15-80 / Oat crop insurance regulations; comments by 10-14-80

53486 8-12-80 / Soybean crop insurance regulations; comments by 10-14-80

Food and Nutrition Service—

53792 8-12-80 / Food Stamp Program; verification requirements; comments by 10-14-80

Rural Electrification Administration—

54354 8-15-80 / Proposed revision of REA Bulletin 385-4, Form 397b, Design specifications for trunk carrier systems, and 397c, design specifications for subscriber carrier systems; comments by 10-14-80

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

55010 8-18-80 / Minimum guidelines and requirements for accessible design; comments by 10-17-80

COMMERCE DEPARTMENT

Economic Analysis Bureau—

60850 9-12-80 / Foreign direct investment surveys; content of mandatory BE-12 report form; comments by 10-13-80

CONSUMER PRODUCT SAFETY COMMISSION

61941 9-17-80 / Proposed stockpiling rule for unvented gas-fired space heaters; comments by 10-17-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

54694 8-15-80 / Maximum lawful selling price for unleaded gasoline; comments by 10-14-80

Federal Energy Regulatory Commission—

63001 9-23-80 / Revision of Form No. 2, annual report for natural gas companies; comments by 10-14-80

ENVIRONMENTAL PROTECTION AGENCY

61319 9-16-80 / Air quality implementation plans; approval and promulgation; State of Alaska; comments by 10-16-80

61644 9-17-80 / Approval and promulgation of implementation plans—Maine; ambient monitoring network; comments by 10-17-80

60903 9-15-80 / Hazardous waste guidelines and regulations; comments extended to 10-15-80

[Originally published at 45 FR 47833, 7-16-80]

59178 9-8-80 / Indiana State implementation plan; comments by 10-17-80

[*See also* 45 FR 45314, 7-3-80]

54373 8-15-80 / New York State implementation plan, proposed revision; comments by 10-14-80

54642 8-15-80 / Premanufacture review program; proposed processor requirements; comments by 10-14-80

[Corrected at 45 FR 57150; 8-27-80]

60931 9-15-80 / San Joaquin Valley Air Basin nonattainment area plan; approval and promulgation of implementation plans; comments by 10-15-80

62850 9-22-80 / Statutory restriction on new sources under certain circumstances for nonattainment areas; comments by 10-14-80

FEDERAL COMMUNICATIONS COMMISSION

46121 7-9-80 / American Telephone & Telegraph Co.; manual containing procedures for allocation of costs; reply comments by 10-17-80

55777 8-21-80 / Common carrier services; MTS and WATS market structure; interstate telecommunications services entry policy, and Alaska submarket inquiry; comments by 10-17-80

55775 8-21-80 / Radio services, special; Microwave device, new low power, unlicensed class and low power, limited coverage systems operation; reply comments by 10-14-80

55242 8-19-80 / Representation of stations by representatives owned by competing stations in the same area; comments by 10-14-80

58629 9-4-80 / FM Broadcast Stations in Aguada, Arecibo, Cidras, Lajas, Manati, Mayaguez, Quebradillas and Utuado, P.R.; proposed changes in table of assignments; comments by 10-17-80

58611 9-4-80 / FM Broadcast Stations in Hampton, Ark.; proposed changes in table of assignments; comments by 10-17-80

58621 9-4-80 / FM Broadcast Station in Irmo, S.C.; proposed changes in table of assignments; comments by 10-17-80

58612 9-4-80 / FM Broadcast Station in Oildale, Calif.; Proposed Changes in Table of Assignments; comments by 10-17-80

58619 9-4-80 / FM Broadcast Station in Olivia, Minn.; Proposed Changes in Table of Assignments; comments by 10-17-80

58616 9-4-80 / FM Broadcast Station in Smith Center, Kans.; Proposed Changes in Table of Assignments; comments by 10-17-80

58613 9-4-80 / FM Broadcast Station in South Lake Tahoe, Calif.; Proposed Changes in Table of Assignments; comments by 10-17-80

58622 9-4-80 / FM Broadcast Station in Tremonton, Utah; Proposed Changes in Table of Assignments; comments by 10-17-80

58610 9-4-80 / FM Broadcast Station in Tucson and Nogales, Arizona; Proposed Changes in Table of Assignments; comments by 10-17-80

55244 8-19-80 / TV broadcast stations in Jacksonville, Lumberton, Roanoke Rapids and Rockingham, N.C.; Farmville and Kenbridge, Va.; table of assignments; comments by 10-14-80

58627 09-4-80 / TV Broadcast Stations in Sanger, Clovis, Visalia, and Fresno, Calif.; Proposed Changes in Table of Assignments; comments by 10-17-80

58608 9-4-80 / TV Broadcast Station in Fort Walton Beach, Florida; proposed changes in table of assignments; comments by 10-17-80

FEDERAL HOME LOAN BANK BOARD

56031 8-22-80 / Federal mutual savings banks, amendments; comments by 10-15-80

FEDERAL TRADE COMMISSION

53839 8-13-80 / Mobile home sales and service; publication of staff report; comments by 10-14-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

60422 9-12-80 / Food additives; Tris([2,4-di-tert-butylphenyl)phosphite; safe use as an antioxident and/or stabilizer in rubber articles intended for repeated use; objections by 10-14-80

Health Care Financing Administration—

60944 9-15-80 / Conditions of participation for skilled nursing and intermediate care facilities; comments extended to 10-14-80

[*See also* 45 Fr 47368, 7-14-80]

Public Health Service—

53492 8-12-80 / Project grants to States for hypertension control; comments by 10-14-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

57471 8-28-80 / Federal Aid in Fish and Wildlife Restoration; participation requirements; comments by 10-14-80

INTERNATIONAL TRADE COMMISSION

57147 8-27-80 / Conduct of antidumping and countervailing duty investigations; comments by 10-14-80

INTERSTATE COMMERCE COMMISSION

61335 9-16-80 / Railroad acquisition, control, merger, consolidation project, trackage rights and lease procedures; policy statement; comments by 10-16-80

LABOR DEPARTMENT

Mine Safety and Health Administration—

54656 8-15-80 / Pattern of violations; comments by 10-14-80

PERSONNEL MANAGEMENT OFFICE

53485 8-12-80 / Programs for specific positions and examinations (miscellaneous); reinstatement of administrative law judges; comments by 10-14-80

53481 8-12-80 / Qualifications requirements (medical); reduction in grade and removal based on unacceptable performance; adverse actions; retirement; comments by 10-14-80

POSTAL SERVICE

61318 9-16-80 / Folders, popups, and multilayer materials as permissible novelty pages in second-class mail; comments by 10-16-80

60453 9-12-80 / Privately shipped letters; alternate methods of paying postage; comments by 10-14-80

60452 9-12-80 / Special rate bulk third class mailers; identification of name and return address of user; comments by 10-14-80

SMALL BUSINESS ADMINISTRATION

61637 9-17-80 / Business loans; loans to qualified employee trusts; comments by 10-17-80

TRANSPORTATION DEPARTMENT

Coast Guard—

47876 7-17-80 / Exception from PFD carriage requirement for sailboards; comments by 10-15-80

Federal Aviation Administration—

41439 6-19-80 / Petition for rulemaking of the Institute for Public Interest representation; comments by 10-17-80

45595 7-7-80 / Transport category airplanes, seat and seat restraint strength; comments by 10-17-80

Research and Special Programs Administration—

48668 7-21-80 / Shippers; specifications for tank cars; comments by 10-16-80

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

54087 8-14-80 / Distilled Spirits Tax Revision Act of 1979, implementation; comment period extended to 10-15-80

[*See also* 44 FR 71612, 10-15-80]

Customs Service—

60921 9-15-80 / Garments with traditional, but primarily decorative features, and garments with simulated features; comments extended to 10-15-80

[*See also* 45 FR 54085, 8-14-80]

Fiscal Service—

61318 9-16-80 / Additional charges (interest) on overdue reclamations and double repayment refunds; comments by 10-15-80

Next Weeks Meetings

ARTS AND HUMANITIES, NATIONAL FOUNDATION

63985 9-26-80 / Humanities Panel Meetings, Washington, D.C. (closed), 10-10 and 10-11-80

62229 9-18-80 / Inter Arts Panel (Presenting organizations), Washington, D.C. (closed), 10-7 through 10-9-80

62229 9-18-80 / Literature Panel to the National Council on the Arts, Washington, D.C. (closed), 10-11-80

62230 19-18-80 / Literature Panel (Translator's Fellowships), Washington, D.C. (partially open), 10-8 and 10-9-80

62230 9-18-80 / Media Arts Panel (Policy), Washington, D.C. (open), 10-6-80

91880 9-18-80 / Music Panel (Festivals Section), Washington, D.C. (partially open), 10-8 and 10-9-80

AGRICULTURAL DEPARTMENT

Forest Service—

58388 9-3-80 / South Kaibab Grazing Advisory Board, Williams, Arizona (open), 10-8-80

CIVIL RIGHTS COMMISSION

59605 9-10-80 / Alabama Advisory Committee, Montgomery, Alabama (open), 10-6-80

63310 9-24-80 / District of Columbia Advisory Committee, Washington, D.C. (open), 10-9-80

61343 9-16-80 / Idaho Advisory Committee, Boise, Idaho, (open), 10-6-80

59605 9-10-80 / Iowa Advisory Committee, Des Moines, Iowa (open), 10-7-80

59606 9-10-80 / Missouri Advisory Committee, Jefferson City, Missouri (open), 10-10-80

59606 9-10-80 / South Carolina Advisory Committee, Columbia, S.C. (open), 10-10-80

COMMERCE DEPARTMENT

International Trade Administration—

63324 9-24-80 / Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, Washington, D.C. (partially closed), 10-9-80

62173 9-18-80 / Importers and Retailers' Textile Advisory Committee, Washington, D.C. (open), 10-8-80

62173 9-18-80 / Management-Labor Textile Advisory Committee, Washington, D.C. (open), 10-8-80

National Oceanic and Atmospheric Administration—

61653 9-17-80 / Gulf of Mexico Fishery Management Council, Panama City, Fla. (open), 10-8 and 10-9-80

58639 9-4-80 / Pacific Fishery Management Council, Renton, WA (partially open) 10-8 and 10-9-80

58639 9-4-80 / Pacific Fishery Management Council, Groundfish Subpanel, Renton, WA (open) 10-7 and 10-8-80

58639 9-4-80 / Pacific Fishery Management Council, Pink Shrimp Subpanel, Renton, WA (open) 10-7 and 10-8-80

58639 9-4-80 / Pacific Fishery Management Council, Scientific and Statistical Committee, Renton, WA (open), 10-7 and 10-8-80

CONSUMER PRODUCT SAFETY COMMISSION

63327 9-24-80 / Product Safety Advisory Council, Washington, D.C. (open), 10-9 and 10-10-80

60467 9-12-80 / Toxicological Advisory Board, Bethesda, Md. (open), 10-7-80

DEFENSE DEPARTMENT

Air Force Department—

61654 9-17-80 / Scientific Advisory Board, Arlington, Va. (closed), 10-7 and 10-8-80

Army Department—

62177 9-18-80 / Army Medical Research and Development Advisory Panel Ad Hoc Study Group on viral and rickettsial diseases, Washington, D.C. (partially open), 10-8 and 10-9-80

Navy Department—

59377 9-9-80 / Board of Visitors to the U.S. Naval Academy, Annapolis, Md. (open), 10-7 and 10-8-80

59377 9-9-80 / Chief of Naval Operations Executive Panel Advisory Committee, Alexandria, Va. (closed), 10-7 and 10-8-80

Office of the Secretary—

59938 9-11-80 / DOD Advisory Group in Election Devices, Washington, D.C. (closed), 10-9 and 10-11-80

59939 9-11-80 / DOD Advisory Group on Election Devices, Arlington, Va. (closed), 10-10-80

58391 9-3-80 / Defense Science Board, Advisory Committee, Arlington, Va. (closed), 10-9 and 10-10-80

50851 7-31-80 / Joint Strategic Target Planning Staff Scientific Advisory Group, Offutt Air Force Base, Nebr. (closed), 10-7 through 10-9-80

56381 8-25-80 / Wage Committee, Washington, D.C. (closed), 10-7-80

EDUCATION DEPARTMENT

62881 9-22-80 / Ethnic Heritage Studies National Advisory Council, San Francisco, Calif. (open), 10-8 through 10-10-80

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

62191 9-18-80 / Environmental impact issued meeting for Kings River (Calif.) project, Fresno, Calif. (open), 10-8-80

ENVIRONMENTAL PROTECTION AGENCY

63302 9-24-80 / FIFRA Scientific Advisory Panel, Alexandria, Va. (open), 10-7 through 10-9-80

58675 9-4-80 / Region 6 scoping meeting, Albuquerque, N. Mex. (open), 10-7-80

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

63137 9-23-80 / Meeting, Washington, D.C. (open), 10-9-80

FINE ARTS COMMISSION

60489 9-12-80 / Meeting, Washington, D.C. (open), 10-7-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

62694 9-19-80 / Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Treatment and Rehabilitation Work Group, Rockville, Md. (open), 10-7-80

62548 9-19-80 / Paraprofessional Education Review Committee, Bethesda, Md. (partially open) 10-9-80 (closed) 10-10 and 10-11-80

Food and Drug Administration—

62557 9-19-80 / Arthritis Advisory Committee, Rockville, Md. (open), 10-9 and 10-10-80

62557 9-19-80 / Gastrointestinal Drugs Advisory Committee, Subcommittee for Revision of Guidelines for Mobility Modifying Agents, Rockville, Md. (open), 10-7-80

58969 9-5-80 / Leukapheresis Donor Safety Workship, Bethesda, Md. (open), 10-8-80

62556 9-19-80 / Miscellaneous External Drug Products Panel, Rockville, Md. (open), 10-5 and 10-6-80

63930 9-26-80 / Obstetrics—Gynecology and Radiology Devices Panel, Obstetrics-Gynecology Section; tampon use; Washington, D.C. (open), 10-10-80

62557 9-19-80 / Ophthalmic; ear, nose and throat; and dental devices panel; Ophthalmic device section, Washington, D.C., 10-6- and 10-7-80

Health Resources Administration—

58208 9-2-80 / Health careers opportunity program, grant orientation conferences (open); Denver, Colo., 10-6 and 10-7-80; San Francisco, Calif., 10-9 and 10-10-80

National Institutes of Health—

62561 9-19-80 / Biotechnology Resources Review Committee, Brookline, Mass. (partially open) 10-9 and 10-10-80

56449 8-25-80 / Burn care, second conference on supportive therapy, Bethesda, Md. (partially open), 10-9 and 10-10-80

62562 9-19-80 / Cancer Biology and Diagnosis Division, Board of Scientific Counselors, Bethesda, Md. (open) 10-9 and 10-10-80, (closed) 10-11-80

56447 8-25-80 / Cardiology Advisory Committee, Bethesda, Md. (open), 10-6 and 10-7-80

58207 9-2-80 / Child Health and Human Development National Advisory Council, Bethesda, Md. (partially open), 10-6 and 10-7-80

59207 9-8-80 / Environmental Health Sciences National Advisory Council, Research Triangle Park, N.C. (partially open), 10-6 and 10-7-80

61371 9-16-80 / National Cancer Advisory Board and Board Subcommittee on Special Actions for Grants, Bethesda, Md. (partially open), 10-6 through 10-8-80

62562 9-19-80 / National Institute of Dental Research, Board of Scientific Counselors, Bethesda, Md. (partially open), 10-6 through 10-8-80

59204 9-8-80 / National Library of Medicine, Board of Regents, Bethesda, Md. (partially open), 10-8 through 10-10-80

56450 8-25-80 / Pulmonary Diseases Advisory Committee, Bethesda, Md. (open), 10-6-80

INTERIOR DEPARTMENT

Bureau of Land Management—

60022 9-11-80 / Canon City District Grazing Advisory Board, Canon City, Colo. (open), 10-9-80

57552 8-28-80 / Carson City District Multiple Use Advisory Council, Carson City, Nev. (open), 10-8-80

57550 8-28-80 / Cedar City District Multiple Use Advisory Council, Cedar City, Utah, (open), 10-9-80

58710 9-4-80 / Elko District Grazing Advisory Board, Elko, Nev. (open), 10-9-80

55195 8-22-80 / APS/SDG & E Interconnection Project (open): El Centro, Calif., 10-6-80; El Cajon, Calif., 10-7-80

58711 9-4-80 / Scientific Committee of the Outer Continental Shelf Advisory Board, Anchorage, Alaska (open), 10-6 through 10-10-80

58711 9-4-80 / Winnemucca District Grazing Advisory Board, Winnemucca, Nev. (open), 10-10-80

National Park Service—

61032 9-15-80 / Gateway National Recreation Area, Gateway Advisory Commission, Newark, N.J. (open), 10-7-80

Office of the Secretary—

61797 9-17-80 / Salt Lake District Advisory Council, Woodruff, Utah (open), 10-8-80

62209 9-18-80 / Water Data for Public Use Advisory Committee and the Interagency Advisory Committee on Water Data, Falls Church, Va. (open), 10-7 through 10-9-80

JUSTICE DEPARTMENT

Attorney General—

63978 9-26-80 / Council on the Role of Courts, Washington, D.C. (open), 10-11-80

Tax Division—

61049 9-15-80 / Tax Litigation Advisory Committee, Washington, D.C. (open), 10-6-80

MINIMUM WAGE STUDY COMMISSION

63398 9-24-80 / Meeting, Washington, D.C., 10-8-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

60052 9-11-80 / NASA Advisory Council Life Sciences Advisory Committee, Washington, D.C. (open), 10-11-80

62229 9-18-80 / Space Science Steering Committee Origins of Plasmas in the Earth's Neighborhood Ad Hoc Advisory Committee, Greenbelt, Md. (closed), 10-6 through 10-10-80

NATIONAL SCIENCE FOUNDATION

59459 9-9-80 / Behavioral and Neural Sciences Advisory Committee, Wash., D.C. (closed), 10-8, 10-9 and 10-10-80

59459 9-9-80 / Behavioral and Neural Sciences, Subcommittee on Memory and Cognitive Processes, Wash., D.C., (closed), 10-9 and 10-10-80

61052 9-15-80 / Environmental Biology Advisory Committee, Ecological Sciences Subcommittee, Washington, D.C. (closed), 10-8 through 10-10-80

62730 9-18-80 / Materials Research Advisory Committee; Subcommittee on Metallurgy, Polymers, and Ceramics, Washington, D.C. (closed), 10-9 and 10-10-80

62945 9-22-80 / Ocean Sciences Advisory Committee, Oversight and Evaluation of the Office of Oceanographic Facilities and Support Subcommittee, Washington, D.C. (closed), 10-9 and 10-10-80

62231 9-18-80 / Ocean Sciences Division Ad Hoc Subcommittee, Annapolis, Md. (closed), 10-8 and 10-9-80

63195 9-23-80 / Science Education Advisory Committee, Washington, D.C. (open), 10-9 and 10-10-80

59459 9-9-80 / Special Research Equipment Advisory Committee, Wash., D.C., (closed), 10-6 and 10-7-80

62595 9-19-80 / Task Group No. 10, Washington, D.C. (open), 10-7-80

NUCLEAR REGULATORY COMMISSION

63590 9-25-80 / Reactor Safeguards Advisory Committee, Washington, D.C. (open), 10-9 through 10-11-80

63195 9-23-80 / Reactor Safeguards Advisory Committee, Subcommittee on Advanced Reactors, Washington, D.C. (open), 10-8-80

63197 9-23-80 / Reactor Safeguards, Advisory Committee, Subcommittee on the Dresden Nuclear Power Plant (Unit No. 1), Washington, D.C. (open and closed), 10-8-80

63196 9-23-80 / Reactor Safeguards, Advisory Committee, Subcommittee on Extreme External Phenomena (open), 10-8-80

NUCLEAR SAFETY OVERSIGHT COMMITTEE

63197 9-23-80 / Meeting, Washington, D.C. (open), 10-7-80

SMALL BUSINESS ADMINISTRATION

61060 9-15-80 / Region I Advisory Council, Hartford, Conn. (open), 10-6-80

59467 9-9-80 / Region I Advisory Council, Montpelier, Vermont (open), 10-9-80

59467 9-9-80 / Region III Advisory Council, Richmond, Virginia, (open), 10-8-80

59468 9-9-80 / Region IV Advisory Council, Coral Gables, Fla. (open), 10-9-80

62600 9-19-80 / Region IV Advisory Council, Tampa, Fla. (open), 10-9-80

61844 9-17-80 / Region VI Advisory Council, Corpus Christi, Tex. (open), 10-10-80

59468 9-9-80 / Region VII Advisory Council, St. Louis, Missouri (open), 10-8-80

61845 9-17-80 / Region VIII Advisory Council, Jackson, Wyo. (open), 10-10-80

56961 8-26-80 / Region IX Advisory Council, Honolulu, Hawaii (open), 10-7-80

[Originally published at 45 FR 53306, August 11, 1980]

SOCIAL SECURITY NATIONAL COMMISSION

62229 9-18-80 / Meeting, Washington, D.C. (open), 10-10 and 10-11-80

STATE DEPARTMENT

Office of the Secretary—

62949 9-22-80 / International Investment, Technology and Development Advisory Committee, Working Group on UN/OECD Investment Undertakings, Washington, D.C. (open), 10-8-80

59469 9-9-80 / Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR), Baltimore, Md. (open), 10-8-80

59469 9-9-80 / Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR), Boulder, Colorado (open), 10-9-80

TRADE NEGOTIATIONS, OFFICE OF U.S. REPRESENTATIVE

63402 9-24-80 / Trade Negotiations Advisory Committee, Washington, D.C. (closed), 10-8-80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

57638 8-28-80 / Air Traffic Procedures Advisory Committee, Washington, D.C. (open), 10-6-80

62246 9-18-80 / Radio Technical Commission for Aeronautics (RTCA), special committee 139—Airborne Equipment Standards for Microwave Landing System (MLS), Washington, D.C. (open), 10-8 through 10-10-80

National Highway Traffic Safety Administration—

59245 9-8-80 / NHTSA-Public-Industry technical meeting, Ann Arbor, Mich. (open), 10-8-80

59247 9-8-80 / Pedestrian Impact Protection, East Liberty, Ohio (open), 10-9-80

62248 9-18-80 / Public information meeting on safety, bumper, and consumer programs, Ann Arbor, Mich. (open), 10-8-80

VETERANS ADMINISTRATION

63204 9-23-80 / Cemeteries and Memorials Advisory Committee, Boston, Mass. (open), 10-10-80

61845 9-17-80 / Medical Research Service Merit Review Boards, Washington, D.C. (partially open), 10-6, 10-7, 10-9, and 10-10-80

WAGE AND PRICE STABILITY COUNCIL

62520 9-19-80 / Price Advisory Committee, Washington, D.C. (open), 10-8-80

Next Week's Public Hearings

DEFENSE DEPARTMENT

Navy Department—

60467 9-12-80 / Naval Discharge Review Board: Chicago, Ill., Minneapolis, Minn. 9-29 through 10-10-80

41691 6-20-80 / Naval Discharge Review Board, Chicago, Ill., Minneapolis, Minn, 9-29 through 10-10-80

[*See also* 45 FR 28798, 4-20-80]

ENERGY DEPARTMENT

Economic Regulatory Administration—

57138 8-27-80 / Amendments to normal business practices rule, Washington, D.C., 10-7-80

53368 8-11-80 / Consideration of cogeneration exemption under powerplant and industrial fuel use act of 1978: Boston, Mass., 10-7-80; Houston, Tex., 10-10-80

55467 8-20-80 / Powerplant and Industrial Fuel Use Act of 1978, cogeneration, Boston, Mass., 10-6-80 (continued on 10-7 if necessary)

55467 8-20-80 / Powerplant and Industrial Fuel Use Act of 1978, cogeneration, Houston, Tex., 10-9-80 (continued on 10-10 if necessary)

61268 9-15-80 / Treatment of Alaska North Slope (ANS) upper tier crude oil under the entitlement program, Wash., D.C., 10-9-80

ENVIRONMENTAL PROTECTION AGENCY

63514 9-25-80 / Motor vehicle pollution control; waiver of carbon monoxide emission standards, Wash., D.C., 10-10-80

55083 8-18-80 / Proposed revision of the National Ambient Air Quality Standard for Carbon Monoxide, Denver, Colo., 10-10-80

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

60495 9-12-80 / Surface coal mining operations; petition evaluation and environmental impact statement to designate certain Federal lands in Utah as unsuitable; Kanab, Utah, 10-10-80

INTERNATIONAL TRADE COMMISSION

52280 8-6-80 / Certain motor vehicles and certain chassis and bodies thereof, Washington, D.C., 10-8-80

63390 9-24-80 / Portable electric nibblers from Switzerland; antidumping, Washington, D.C., 10-10-80

LIBRARY OF CONGRESS

Copyright Office—

55874 8-21-80 / Rights of creators and needs of users of copyrighted works, Anaheim, Calif., 10-8-80

TREASURY DEPARTMENT

Internal Revenue Service—

52824 8-8-80 / Shareholder requirements relating to electing small business corporations, Washington, D.C. 10-9-80

List of Public Laws

Last Listing September 30, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 3210 / Pub. L. 96-360 To terminate the authority to make grants to the Las Vegas Valley Water District under the Act of August 27, 1954. (Sept. 26, 1980; 94 Stat. 1196) Price $1.

H.R. 6511 / Pub. L. 96-361 To designate the building known as the Federal Building in Morgantown, West Virginia, as the "Harley O. Staggers Federal Building". (Sept. 26, 1980; 94 Stat. 1197) Price $1.

S. 1650 / Pub. L. 96362 National Aquaculture Act of 1980. (Sept. 26, 1980; 94 Stat. 1198) Price $1.

S. 2223 / Pub. L. 96-363 To permit any Indian to transfer by will restricted lands of such Indian to his or her heirs or lineal descendants, and other Indian persons. (Sept. 26, 1980; 94 Stat. 1207) Price $1.

H.R. 3904 / Pub. L. 96-364 "Multiemployer Pension Plan Amendments Act of 1980". (Sept. 26, 1980; 94 Stat. 1208) Price $3.75.

S. 1125 / Pub. L. 96-365 Federal Corp Insurance Act of 1980. (Sept. 26, 1980; 94 Stat. 1312) Price $1.25.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

63845 9-26-80 / HHS/CDC—Health education-risk reduction; programs to discourage children and adolescents from smoking and alcohol use; effective 9-26-80

DEADLINES FOR COMMENTS ON PROPOSED RULES

62856 9-22-80 / ED—Arts in education program; comments by 11-21-80

62859 9-22-80 / ED—Law-related education program; comments by 11-21-80

63845 9-26-80 / HHS/CDC—Health education-risk reduction; programs to discourage children and adolescents from smoking and alcohol use; comments by 11-25-80

APPLICATIONS DEADLINES

62864 9-22-80 / Arms Control and Disarmament Agency—Hubert H. Humphrey Fellowship Competition; apply by 3-16-81

62944 9-22-80 / Justice/NIJ—Competitive graduate research fellowship program; submit by 11-1-80 for first cycle; submit by 3-2-81 for second cycle

MEETINGS

63145 9-23-80 / HHS/NIH—Animal Resources Review Committee, Boston, Mass. (open and closed), 11-14-80

63146 9-23-80 / HHS/NIH—Cancer Special Program Advisory Committee, Bethesda, Md. (open and closed), 11-6 and 11-7-80

63146 9-23-80 / HHS/NIH—Large Bowel and Pancreatic Cancer Review Committee, Pancreatic Cancer Review Subcommittee), Chicago, Ill. (open and closed), 11-5-80

63145 9-23-80 / HHS/NIH—National Advisory Research Council, Atlanta, Ga. (open and closed), 10-15 thru 10-17-80

63144 9-23-80 / HHS/NIH—NIDR Special Grants Review Committee, Bethesda, Md. (closed), 11-18-80

63985 9-26-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 10-10 and 10-11, 10-17 and 10-18, 10-20, 10-23 and 10-24, 10-27 and 10-28-80

63400 9-24-80 / NSF—Behavorial and Newal Sciences Advisory Committee, Anthropology Subcommittee, Washington, D.C. (closed), 11-12 through 11-14-80

63400 9-24-80 / NSF—DOE/NSF Nuclear Science Advisory Committee, Germantown, Md. (open), 11-6-80

63580 9-25-80 / NSF—Engineering and Applied Science Advisory Committee, Washington, D.C. (open), 10-13-80

63399 9-24-80 / NSF—Materials Research Laboratories Advisory Subcommittee, Washington, D.C. (partially closed), 10-30 and 10-31-80

63398 9-24-80 / NSF—Materials Research Laboratories, Ad Hoc Oversight Subcommittee, Washington, D.C. (closed), 10-29 and 10-30-80

63399 9-24-80 / NSF—NSF Advisory Council, Washington, D.C. (open), 11-6 and 11-7-80

62945 9-22-80 / NSF—Ocean Sciences Advisory Committee, Oversight and Evaluation of the Office of Oceanographic Facilities and Support Subcommittee, Washington, D.C. (closed) 10-9 and 10-10-80

63399 10-24-80 / NSF/Policy Research and Analysis and Science Resources Studies Advisory Committee, Washington, D.C. (open) 10-23 and 10-24-80

63195 9-23-80 / NSF—Science Education Advisory Committee, Washington, D.C. (open), 10-9 and 10-10-80

63399 9-24-80 / NSF—Special Research Equipment Advisory Committee, Biology Subcommittee, Washington, D.C. (closed), 11-3 and 11-4-80

63401 9-24-80 / NSF—Social and Economic Science Advisory Committee, Subcommittee on Geography and Regional Sciences, Washington, D.C. (closed), 10-27-80

63401 9-24-80 / NSF—Social and Economic Science Advisory Committee, Subcommittee on History and Philosophy of Science, Washington, D.C. (closed), 11-6 through 11-8-80

63400 9-24-80 / NSF—Social and Economic Science Advisory Committee, Subcommittee for Measurement Methods and Data Resources, Washington, D.C. (partially open), 11-14 and 11-15-80

63401 9-24-80 / NSF—Social and Economic Science Advisory Committee, Subcommittee on Political Science, Washington, D.C. (closed), 10-27 and 10-28-80

OTHER ITEMS OF INTEREST

63906 9-26-80 / ED—Women's Educational Equity Act Program; proposed annual program priorities; comments by 10-27-80

63132 9-23-80 / EPA—Construction grant regulations; class deviation

[*See* 45 FR 58202, 9-1-80]

63513 9-25-80 / HUD—Community Development Block Grants Small Cities Program; Transmittal of Proposed Rule to Congress

62944 9-22-80 / Justice/BJS, LEAA, OJARS—Reduction of the Match requirement for selected national priority programs

63190 9-23-80 / Labor/ETA—Comprehensive Employment and Training Act (CETA) annual plan subparts carried forward from FY 1980 into FY 1981

63195 9-23-80 / LSC—Grants and contracts

63264 9-24-80 / VA—Establishment of procedures to assure nondiscrimination on basis of handicap in programs receiving Federal financial assistance

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