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Thursday
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65175 **Synthetic Fuels** Executive order

65177 **Guidelines Concerning Official Dealings With Members of the President's Family** Presidential memorandum

65319 **Community Development Block Grants** HUD/CPD issues dates for preapplication submission for the Small Cities Program for Fiscal Year 1981

65274 **Grant Programs—Education** ED announces that applications are being accepted for the Program of Research Grants on Desegregation Studies

65324 **Continental Shelf** Interior/BLM list restricted joint bidders for Outer Continental Shelf oil and gas lease sales

65325 **Continental Shelf** Interior/BLM request comments on lease size, term of lease and bidding system for specific oil and gas lease sales; comments by 11-21-80

65207 **Natural Gas** DOE/FERC publishes the incremental pricing acquisition cost threshold prices for the month of October 1980

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

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Presidential Documents

Title 3—

The President

Proclamation 4797 of September 30, 1980

American Education Week, 1980

By the President of the United States of America

A Proclamation

Nothing is of greater importance to the future of America than education. The survival of our free institutions, the health of our economy, the power of our ideals depend on the vitality of our educational system.

The theme of this year's American Education Week—an event we have celebrated for more than sixty years—is "Education in the 80's: Preparation for the Future." Our future will be determined by how well we pass along our knowledge and our values to our children.

American Education Week affords all of us time to think about the needs, the importance, and the hopes for education. And it gives us a time to acknowledge the accomplishments of an education system that serves more than 58 million young people and adults.

We have much to be proud of—our schools, our teachers, and the administrators who make the system work. But there is more progress to be made and more work ahead of us.

I invite all Americans to join me in reaffirming our commitment to the excellence and equality of the educational opportunity offered to every individual in our Nation. Education is everyone's concern.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the period of November 16 through 22, 1980, as American Education Week.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

Jimmy Carter

[FR Doc. 80-30835
Filed 9-30-80; 3:00 pm]
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Presidential Documents

Executive Order 12242 of September 30, 1980

Synthetic Fuels

By the authority vested in me as President by Sections 305 and 703(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2095, and 2153(a)), and Section 301 of Title 3 of the United States Code, and in order to achieve production of synthetic fuel to meet national defense needs and to provide for an orderly transition of synthetic fuel responsibilities to the United States Synthetic Fuels Corporation, it is hereby ordered as follows:

1–101. The functions vested in the President by Sections 305(f)(1) and 305(f)(2) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2095(f)(1) and (2)) are delegated to the Secretary of Defense.

1–102. The Secretary of Defense shall, after consulting with the Secretary of Energy, determine the quantity and quality of synthetic fuel which is needed to meet national defense needs from time to time. This determination shall be made in accord with Section 305(f)(1) of the Defense Production Act of 1950, as amended, and shall promptly be furnished to the Secretary of Energy.

1–103. In accord with Section 305(f)(1) of the Defense Production Act of 1950, as amended, the Secretary of Defense shall ensure that his determination of the national defense needs for synthetic fuel does not include any synthetic fuel which the Secretary anticipates will be resold by the Government.

1–104. The functions vested in the President by subsections (b)(1)(A)(i) and (ii), (c)(1)(B), (c)(3), (d)(2), (d)(3), (d)(5), (d)(6), (e), and (g)(2)(C) of Section 305 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2095), are delegated to the Secretary of Energy.

1–105. The Secretary of Energy, to the extent practicable, shall apply laws regarding the procurement of goods and services by the Government to the terms and conditions contained in purchase contracts awarded under subsection (b)(1)(A)(i) of Section 305 of the Defense Production Act of 1950, as amended. The terms and conditions of these contracts shall be subject to the concurrence of the Secretary of Defense.

1–106. The Secretary of Energy shall, after consulting with the Secretary of Defense, exercise the functions delegated to him under Section 305 of the Defense Production Act of 1950, as amended, in order to meet the national defense needs for synthetic fuel as determined by the Secretary of Defense.

1–107. The Secretary of Energy shall exercise the functions delegated to him under Section 305 of the Defense Production Act of 1950, as amended, in a manner consistent with an orderly transition to the separate authorities established pursuant to the United States Synthetic Fuels Corporation Act of 1980, as provided by Section 305(a)(1)(B)(iii) of the Defense Production Act of 1950, as amended.

1–108. The Secretary of Energy, after consulting with the Secretary of Defense, shall prepare for the President's transmittal to the Congress the report required by Section 106 of the Energy Security Act (Public Law 96–294). The proposed report shall be submitted to the President for his consideration no later than thirty days prior to the date on which it is to be transmitted to the Congress.

1–109. No new awards for purchases or commitments for financial assistance shall be made under the provisions of this Order after the date on which the President determines that the United States Synthetic Fuels Corporation is

established and fully operational. That determination is to be made in accord with Section 305(k) of the Defense Production Act of 1950, as amended (50 U.S.C. App 2095(k)), and in accord with the appropriations to the Departments of Energy and the Treasury pursuant to the Supplemental Appropriations and Rescission Act, 1980 (P.L. 96–304; 94 Stat. 857, 880–882).

1–110. No award for a purchase or commitment for financial assistance shall be made which would preclude projects or actions initiated by the Secretary of Energy under the provisions of this Order from being transferable to the United States Synthetic Fuels Corporation.

1–111. Prior to issuing any loan guarantee under the provisions of this Order, the Secretary of Energy shall obtain the concurrence of the Secretary of the Treasury with respect to the timing, interest rate, and substantial terms and conditions of such loan guarantee. In establishing an interest rate, the current average yield on outstanding marketable obligations of the United States with comparable remaining periods of maturity shall be considered. To the extent practicable, the timing, interest rate, and substantial terms and conditions of such guarantees shall have the minimum possible impact on the capital markets of the United States, taking into account other Federal direct and indirect securities activities.

Jimmy Carter

THE WHITE HOUSE,
September 30, 1980.

[FR Doc. 80–30836
Filed 9–30–80; 3:01 pm]
Billing code 3195–01–M

Presidential Documents

Memorandum of October 1, 1980

Guidelines Concerning Official Dealings With Members of the President's Family

THE WHITE HOUSE,
Washington, October 1, 1980.

Memorandum for Martha Girard, Acting Director of the Federal Register

Herewith is the text of a Memorandum to the Heads of Executive Departments and Agencies.

I am authorized to request that this Memorandum be published in the **Federal Register.**

LLOYD N. CUTLER
Counsel to the President

THE WHITE HOUSE
Washington, October 1, 1980.

Memorandum for the Heads of Executive Departments and Agencies

The purpose of these guidelines is to caution government employees against dealing with members of the President's family in ways that create either the reality or the appearance of impropriety.

The primary responsibility to avoid impropriety of course rests on the President and the members of his family. The President has cautioned members of his family not only to observe these guidelines, but also not to place government employees in a position where the appearance of impropriety can occur.

There are three situations which need to be distinguished:

First are the cases where a member of the President's family is performing the duties or exercising the rights of any other citizen. The payment of taxes, military service, and entitlements to Social Security, agricultural, or educational benefits are typical examples. In all such cases, members of the President's family are to be treated the same way as anyone else. They are to seek no special favor, nor are they to be granted any.

Second are the cases where the President calls on a member of his family to act as his official representative at a ceremony, function or meeting in the United States or abroad. In such cases, government employees should afford the designated members of the President's family the courtesies and amenities appropriate to his or her official status and to the occasion—no more, no less.

When members of the President's family take personal trips or where the government has information that their personal security may be threatened, they should be accorded the same treatment and protection as any other public figure.

Third are the cases in which a member of the President's family is seeking to do business with the government on his or her own behalf or to act as an agent for another person, firm or government seeking to do business with our government. Examples are the discretionary award of government contracts and the discretionary granting of valuable licenses.

In this third class of cases, there is a strong presumption against such dealings with a family member. Even though the family member's proposal or request may be entirely meritorious, and the government employee's response is the same as it would be regardless of the family relationship, many will believe, without any other evidence, that the government's response was influenced by the family member's status as such. While it could be argued that members of the President's family have the same right as any other citizen to have the government engage in discretionary dealings with them, this is a right that is best relinquished during the President's incumbency. The President has therefore cautioned family members from making such proposals or requests, and urges all government employees not only to reject all such proposals and requests, but to report their occurrence to the head of the department or agency, who should advise the Counsel for the President. In extraordinary cases where the responsible employee believes the proposal or request should be approved—for example when the family member's business relationship with the government predates the President's incumbency and the relationship has not been exploited during his incumbency—the approval of the department or agency head shall first be obtained.

Government employees should also apply a strong presumption against the discretionary disclosure to family members of information of potential economic value about existing or planned government policies or actions that is not generally available to the public.

These guidelines apply only to family members. They do not apply to any business entity with which a family member may be associated, so long as the family member does not participate in any way, and the family member's association is not otherwise exploited, in the entity's dealings with the government.

For purposes of these guidelines, the President's family consists of the President's parents, brothers, sisters and children, and the spouses of his brothers, sisters and children.

Jimmy Carter

[FR Doc. 80-30921
Filed 10-1-80; 12:07 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 45, No. 193
Thursday, October 2, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Allocation of Tobacco Inspection Service; Eligibility for Price Support

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations governing the availability of tobacco inspection and price support services to flue-cured tobacco on designated markets are being amended on an interim basis to incorporate certain recommendations of the Flue-Cured Tobacco Advisory Committee as approved by the Secretary of Agriculture. The amendments provide for sales schedule adjustments for warehouses which fail to comply with the approved sales schedules.

EFFECTIVE DATE: October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is further amending its regulations relating to the availability of tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart G–Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets (7 CFR Part 29).

The aforesaid policy statement and regulations are statements of agency policy and rules and regulations issued pursuant to the authority of the Tobacco Inspection Act of 1935 (49 Stat. 731; 7 U.S.C. 511 et seq.); the Agricultural Act of 1949, as amended (63 Stat. 1051; 7 U.S.C. 1421 et seq.); and the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070; 15 U.S.C. 714 et seq.).

Because of concerns which have been raised by certain segments of the flue-cured tobacco industry relating to the enforcement of the 1980 sales schedule and in the interest of providing for the orderly and equitable marketing of flue-cured tobacco throughout the region, a review of the Department's regulations governing the availability of inspection and price support services was initiated. As a result of that review, it was determined that there was an apparent need to reassess the regulations in an effort to arrive at a more appropriate method of adjusting sales schedules of warehouses found to be in violation of the approved sales schedules. To that end, an emergency meeting of the Flue-Cured Tobacco Advisory Committee was held in Raleigh, North Carolina, on September 5, 1980. This 37 member committee represents all segments and geographic areas of the flue-cured tobacco industry and serves in an advisory capacity to the Secretary by recommending opening dates, selling schedules, and operating procedures for the marketing of flue-cured tobacco. At that meeting, the Committee made certain recommendations which are discussed below.

Current regulations regarding producer designated tobacco have a built-in tolerance whereby a warehouse may exceed the designated sales opportunity by no more than 2500 pounds and undesignated sales opportunity by no more than 500 pounds (7 CFR 29.9406) provided it is back into compliance with the sales schedule by the second succeeding sales day. No change in this procedure was recommended by the Committee, and the Department has determined that there is no need to adjust this tolerance. However, in consideration of the fact that violations by warehousemen selling in excess of the 2500-pound tolerance have occurred, the Committee has recommended certain methods by which the sales schedules of such violators should be adjusted in order to restore equitable and orderly marketing to producers of flue-cured tobacco. At present, the only such method available to the Department is suspension of sales to warehouses found to be in noncompliance. In reality, this method of enforcement inflicts hardship upon the producer who must wait until the warehouse is back into compliance in order to sell such tobacco or wait a specified period of time to redesignate such tobacco for sale at another warehouse. Accordingly, the Committee recommended that the regulations should be amended to allow producers to immediately redesignate such tobacco whenever their designated warehouse loses the equivalent of one day's sales opportunity or more because such warehouse has been found in violation of the sales schedule. This recommendation cannot be implemented by the Agricultural Marketing Service, but such recommendation is being adopted concurrently in price support regulation amendments issued by the Agricultural Stabilization and Conservation Service.

The Committee also recommended that advance notification of suspension of an entire sale or sales to warehousemen found to be in noncompliance with sales schedules should be provided. The Department has determined that this recommendation has merit and that advance notice is reasonable. Therefore, the operating procedures and regulations for the remainder of 1980 will reflect this determination.

The Committee further recommended that in lieu of withdrawal of inspection and price support services, any warehouse overselling producer designated poundage in excess of the 2500-pound tolerance should more appropriately have its sales schedule adjusted in the following manner:

(a) First violation—repay larger of three times excess or 2500 pounds.

(b) Second violation—repay larger of five times excess or 5000 pounds.

(c) Third violation—lose 50 percent of next day's sale.

The Department, after giving careful consideration to the Committee's recommendations, has determined that such recommendations, with appropriate modifications and conforming changes, are reasonable and necessary in the interest of providing for the orderly marketing of flue-cured tobacco during the 1980 marketing season. The specific modifications and conforming changes which are determined to be necessary and appropriate are as follows:

(a) With respect to designated producer tobacco, the amended regulations will provide for the first and second violations, sales adjustments will be made on producer sales opportunity and further that for the third violation, sales adjustments will be made on producer sales opportunity on the basis of the larger of five times the excess (over 2,500 pounds) or 50 percent of the sale.

(b) With respect to undesignated producer tobacco, the amended regulations will provide that sales adjustments for excess sales will be made on the following basis:

(i) Less than 500 pounds—repay within 3 sales days, as is currently provided for in 7 CFR 29.9406.

(ii) More than 500 pounds—for the first violation, repay the larger of three times the excess (over 500 pounds) or 1,000 pounds from producer sales opportunity; for the second and subsequent violations, repay the larger of five times the excess (over 500) or 5,000 pounds from producer sales opportunity.

(c) With respect to designated producer tobacco which is not eligible for sale at the warehouse on the day of sale, the amended regulations will provide that: for the first violation, repay the larger of 2,500 pounds or three times the excess; for the second and succeeding violations, repay the larger of 5,000 pounds or five times the excess.

(d) With respect to resales, the amended operational policies and procedures will provide that such resale adjustments are applicable to both auction-purchased and nonauction-purchased resales and further that for the first violation, the resale adjustment will be the larger of two times the excess or 50 percent of the auction or nonauction-purchased resale opportunity and for the second and succeeding violations, resale adjustments will be the larger of three times the excess or 100 percent of that sale day's auction and nonauction-purchased resale opportunity.

It is further determined that such amendments to the regulations and the operational policies and procedures are being made on an emergency basis for the remainder of the 1980 marketing season only and that the Department will evaluate the effect of the amendments upon the orderly marketing of flue-cured tobacco after the close of the marketing season to determine whether or not such amendments are appropriate and necessary for the 1981 marketing season.

In view of the foregoing, §§ 29.9406 and 9407 are amended, respectively, to provide as follows:

§ 29.9406 Failure of warehouse to comply with opening date and selling schedule.

(a) Each warehouse shall comply with opening date and selling schedules issued by the Secretary for designated and undesignated flue-cured tobacco.

(b) For each of any two consecutive sales days during the marketing season a warehouse may exceed its scheduled sales opportunity for designated or undesignated tobacco, but the pounds sold during the second or third sales day must be adjusted so the warehouse will be back in compliance at the end of the third sales day or no tobacco inspection or price support services will be made available on the next succeeding sales day. Any such adjustment which is within 100 pounds of the required reduction shall be considered as in compliance with this section. During the closeout period, if a warehouse sells tobacco in excess of that allowed by the sales schedule on either of the last two sales days of the marketing season, then such excess sales shall be deducted from its scheduled sales opportunity on the first, or more, sales days of the next marketing season.

(c) The amount of the poundage adjustment specified in paragraph (b) for a warehouse selling in excess of the sales schedule shall be as follows:

(i) If the excess is 2,500 pounds or less of designated producer tobacco, the adjustment in producer sales opportunity shall be one pound for each pound of excess; sales in excess of 2,500 pounds shall be a violation of the sales schedule and the adjustment for the first violation shall be 2,500 pounds plus the larger of 3 pounds for each pound in excess of 2,500 pounds or 2,500 pounds; for the second violation, the adjustment shall be 2,500 pounds plus the larger of 5 pounds for each pound in excess of 2,500 pounds or 5000 pounds; and for the third and subsequent violations, the adjustment shall be 2,500 pounds plus the larger of 5 pounds for each pound in excess of 2,500 pounds or 50 percent of a scheduled day's sales opportunity.

(ii) If the excess is 500 pounds or less of undesignated producer tobacco, the adjustment in producer sales opportunity is one pound for each pound of excess; if the excess is larger than 500 pounds, the adjustment is 500 pounds plus the larger of 3 pounds for each pound in excess of 500 pounds or 1,000 pounds.

(iii) If the excess is designated producer tobacco that is not eligible for sale at the warehouse on the day of the sale, the adjustment in producer sales opportunity for the first violation is the larger of 3 pounds for each pound in excess or 2,500 pounds, and for the second and succeeding violations, the larger of 5 pounds for each pound in excess or 5,000 pounds.

(d) If, on any sales day, a warehouse does not sell the full quantity of designated or undesignated tobacco authorized to be sold at such warehouse, the designated or undesignated sales opportunity at such warehouse on the next immediate sales day shall automatically be increased by the unsold quantity except that no such increase in sales opportunity shall exceed 2,500 pounds for designated tobacco or 250 pounds for undesignated tobacco.

§ 29.9407 Records and reports.

(a) Each warehouse, on a designated market, shall provide the Secretary with any information that is requested on forms provided said warehouse by the Secretary.

(b) Each warehouse shall keep records for a period of two years from the opening of the marketing season in which the tobacco is sold, and make available to the Secretary such records as are necessary for the Secretary to verify the information required by paragraph (a) of this section.

(c) Failure to comply with the requirements of this section, including but not limited to failure to provide information which is accurate, shall result in suspension of tobacco inspection services for a minimum of the equivalent of one sales day or until such time as the warehouse comes into compliance.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and 60 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that this amendment is an emergency measure necessary to continue orderly marketing conditions for the remainder of the 1980 flue-cured marketing season.

Therefore, good cause exists for making the amendments to the regulations effective October 2, 1980.

Dated: September 26, 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-30592 Filed 10-1-80; 8:45 am]

BILLING CODE 3410-02-M

Soil Conservation Service

7 CFR Part 632

Rural Abandoned Mine Program; Correction

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Final rule; Correction.

SUMMARY: This action revises 7 CFR Part 632 of the Rural Abandoned Mine Program regulations to make technical corrections and to clarify procedures for assigning funding priorities.

EFFECTIVE DATE: The corrections are effective October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Gerald W. Root, Land Treatment Programs Staff, Room 6112 South Agriculture Building, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447-2324.

SUPPLEMENTARY INFORMATION: This action makes four technical corrections to the terminology used in the final rule and clarifies procedures for assigning funding priorities. The funding priority procedure clarification specifies that the highest applicable priority is to be assigned to individual, joint, or special project applications when more than one priority applies. This revision reflects the current operating procedures used to assign priorities to program applications and therefore does not affect applications on file. This action has been reviewed under U.S. Department of Agriculture procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and is determined to not be significant because it only clarifies the final rule and makes minor technical corrections. Therefore, it has been determined that publication for public comment would not be in the public interest.

The Rural Abandoned Mine Program is authorized by Section 406 of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, 91 Stat. 460 (30 U.S.C. 1236). Final program rules were published September 28, 1978, and went into effect on October 2, 1978.

The program provides technical and financial cost-share assistance to land users for the reclamation of to 320 acres of certain abandoned coal-mined lands. Program assistance is provided through 5- to 10-year contracts based on an approved reclamation plan in accord with the reclamation priorities established by the Act. Funds for program operations are derived from fees assessed on current coal productions and deposited in the Abandoned Lands Reclamation Fund. The fund is administered by the Office of Surface Mining, U.S. Department of the Interior.

Therefore, 7 CFR Part 632, Table of Contents, and §§ 632.3(a)(1), 632.4, 632.12, 632.40(b)(3), 632.42 (a) and (f) and 632.50 are amended as stated herein.

1. The table of contents is amended by changing the title of § 632.50 to be consistent with the terminology used in 7 CFR 650, Compliance with NEPA, as published in the **Federal Register**, Vol. 44, No. 169, on August 29, 1979:

Subpart F—Environment

Sec.
632.50 Environmental evaluation.

§§ 632.3, 632.40, and 632.42 [Amended]

2. The word "administrator" in §§ 632.3(a)(1), 632.40(b)(3) and 632.42 (a) and (f) is changed to the word "chief" to be consistent with the 1980 reorganization of the National office of the Soil Conservation Service.

§ 632.4 [Amended]

3. Section 632.4, Definitions—Standards and specifications is amended by changing the word "on" in the first sentence to the word "so".

4. Section 632.12, Funding priorities, is amended by deleting the initial sentence in paragraph (a) and inserting the following sentences:

§ 632.12 Funding Priorities.

(a) All eligible applications within a State are to be assigned a funding priority and subpriority. Assignment of a priority and subpriority establishes the order in which the proposed reclamation work will be selected and evaluated for funding. (See § 632.20(b) for additional selection criteria.) Applications for individual, joint, or special projects (See § 632.18) for areas of different priorities or subpriorities are to be assigned the highest applicable priority or subpriority. The funding priorities are as follows:

* * * * *

§ 632.50 [Amended]

5. Section 632.50 is amended by changing the term "environmental assessment" to "environmental evaluation" wherever used in this section.

Signed at Washington, D.C.

Norman A. Berg,

Chief, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.910, Rural Abandoned Mine Program, Section 406 of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, 91 Stat. 460 (30 U.S.C. 1236). Office of Management and Budget Circular A-95 procedures concerning State and Local Clearinghouse review are not applicable)

[FR Doc. 80-30554 Filed 10-1-80; 8:45 am]

BILLING CODE 3410-16-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 666]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 3-October 9, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: October 3, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979-80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on Sept. 30, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges has decreased.

It is further found that there is insufficient time between the date when information became available upon

which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 908.966 is added as follows:

§ 908.966 Valencia Orange Regulation 666.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 3, 1980 through October 9, 1980, are established as follows:

(1) District 1: 264,000 cartons;

(2) District 2: 336,000 cartons;

(3) District 3: Open Movement.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

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

Dated:

D. S. Kuryloski,

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

[FR Doc. 80-30919 Filed 10-1-80; 11:59 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 82

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Cumberland County and a portion of Penobscot County in Maine, portions of Chittenden County in Vermont, portions of New Castle County and a portion of Kent County in Delaware, and a portion of Midland County in Michigan because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portions of these counties on September 23, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected areas.

EFFECTIVE DATE: September 26, 1980.

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

SUPPLEMENTARY INFORMATION: These amendments quarantine a portion of Cumberland County and a portion of Penobscot County in Maine, portions of Chittenden County in Vermont, portions of New Castle County and a portion of Kent County in Delaware, and a portion of Midland County in Michigan because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

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

1. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Maine and a new paragraph (a)(9) relating to the State of Maine is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(9) *Maine.* (i) The premises of Pet Menagerie, 317 Maine Mall, Portland, Cumberland County.

(ii) The premises of Pet Menagerie, Bangor Mall, Orono Road, Penobscot County.

* * * * *

2. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Vermont and a new paragraph (a)(10) relating to the State of Vermont is added to read:

(a) * * *

(10) *Vermont.* (i) The premises of Pet Menagerie, University Mall, Burlington, Chittenden County.

(ii) The premises of Pet Menagerie, Burlington Square, Burlington, Chittenden County.

* * * * *

3. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Delaware and a new paragraph (a)(11) relating to the State of Delaware is added to read:

(a) * * *

(11) *Delaware.* (i) The premises of Docktor's Pet Center, Christiana Mall, Newark, New Castle County.

(ii) The premises of Docktor's Pet Center, Blue Hen Mall, Dover, Kent County.

(iii) The premises of Docktor's Pet Center, Concord Mall, Wilmington, New Castle County.

* * * * *

4. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Michigan and a new paragraph (a)(12) relating to the State of Michigan is added to read:

(a) * * *

(12) *Michigan.* The premises of Sheryl D. Buffington, 9365 North Orr Road, Freeland, Ingersoll T., Sec. 12, Midland County.

* * * * *

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

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

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

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

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under

the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

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

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-30504 Filed 9-30-80; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 106

Exemption for Biological Products Used in Department Programs or Under Department Control or Supervision

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations concerned with animal biological products by adding a new Part which provides authority for the Deputy Administrator, Veterinary Services, to exempt biological products from one or more requirements contained in the regulations. Such provision is necessary to facilitate the conducting of programs involving animal disease control and eradication in certain situations.

DATES: Effective date: September 26, 1980.

Comments must be received on or before December 10, 1980.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 817, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Dr. B. G. Johnson, Room 814, Area Code 301-436-8711, or Dr. R. J. Price, Room 827, Area Code 301-436-8245, USDA, APHIS, VS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

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

It has been determined by Dr. Pierre A. Chaloux, Deputy Administrator, Veterinary Services, that a situation exists in the brucellosis eradication program which makes it necessary to publish this final rule without first providing opportunity for public comment. The primary reason for the exemption provided by this amendment is to enable the interstate shipment of certain biological products to be used by the Department or under the Department's direction or control, which do not fully comply with the requirements of the current regulations.

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final rule are impractical and contrary to the public interest, and good cause is found for making this emergency final action effective on signature. If reduced dose vaccination were to be delayed, the calves born last spring could not now be vaccinated with the reduced dose. Furthermore, notice could not be published prior to this time because the Department did not receive all necessary data regarding reduced dose brucellosis vaccination of calves until August 1980. Comments are being solicited for 60 days after publication of this rule, and this action will be scheduled for review so that a final document discussing comments and any required change may be published in the **Federal Register.**

This amendment authorizes the Deputy Administrator, Veterinary Services, to exempt biological products from the requirements of the virus, serum, toxins and analogous products regulations. The exemption would be utilized in situations where the biological product is intended for use in an animal disease program operated by the Department or in which the Department cooperates. The exemption process would permit, for example, products manufactured in accordance with the regulations, to be shipped interstate with labeling or instructions for use that do not comply fully with the current regulations.

Presently, a situation exists in the Federal/State Cooperative Brucellosis Eradication Program which necessitates making this amendment effective immediately. Part of this cooperative program includes a calfhood vaccination program. Under this program, calves are vaccinated with *Brucella abortus* vaccine to provide protection against brucellosis, a communicable animal disease. Calves are normally born in the spring months and are normally vaccinated under normal ranch practice in the fall months. Once vaccinated however, the calves are still subsequently tested for brucellosis. Due to the strength of the *Brucella abortus* vaccine, in some instances the vaccinated animals may react positive to a test for brucellosis administered when the calves are adult cattle. This positive reaction may be caused by the high retained vaccinal titer and not because the cattle are diseased. This may result in restrictions on the interstate movement of the cattle or the condemnation of the animals, all of which would not be necessary if the true disease status of the animal were known. A number of members of the cattle industry and state animal health officials of the cooperating states, representing the majority of range cattle, have urged that the Department authorize the use of a reduced dosage of *Brucella abortus* vaccine in the Federal/State Cooperative Brucellosis Eradication Program to minimize the likelihood of "false positive" test results.

In response to the situation, the Department compiled research data demonstrating that calves vaccinated with a reduced dose of *Brucella abortus* vaccine (which has fewer organisms than the licensed vaccine) provided approximately the same level of protection against brucellosis as the presently licensed vaccine. Consequently, the Department believes that it can include reduced dose vaccination of calves in the cooperative brucellosis program in those cooperating states which desire to participate in the reduced dose vaccination program. The cooperating state could still, however, require that only the presently labeled dose be used in the cooperative program. The State animal health officials in charge of the brucellosis program in the State will exercise the option as to the vaccine to be used in the program in their State. The Department will supervise the distribution of the reduced dose vaccine and will furnish instructions to the states and persons participating in the program concerning the proper handling and preparation of the vaccine.

Because vaccine labeled with the higher dosage has been marketed and states may have extensive supplies of this vaccine, the Department believes that an exemption process is warranted to minimize cost of relabeling or requiring purchasing of reduced dose labeled product by the participating states. The presently labeled product can be diluted to the reduced dose. However, such use would not be in accordance with the currently required labeling instructions for use. Consequently, the Deputy Administrator, Veterinary Services, believes that authorizing an exemption to provide for the dissemination of instructions for use of the product at variance from the labeled dosage is appropriate for use in the Federal/State Cooperative Brucellosis Eradication

Program. Since the Department is a very active participant in this program, it can control the reduced dose vaccine to assure its proper use.

The regulation change has not been restricted to just exempting *Brucella abortus* vaccine from the labeling requirements of the regulations. It has been drawn in a much broader fashion. The Deputy Administrator may exempt products for use in other situations where the Department will be in a position to supervise or control the use of the exempted product.

The Department encourages the submission of comments by the public on this rule during the 60 days after its publication in the **Federal Register**. As noted above, this action will be scheduled for review so that a final document discussing comments and any changes to the rule will be published in the **Federal Register**.

Accordingly, Chapter I, Subchapter E, of Title 9 of the Code of Federal Regulations is amended by adding a new Part 106 and § 106.1 to read as follows:

PART 106—EXEMPTION FOR BIOLOGICAL PRODUCTS USED IN DEPARTMENT PROGRAMS OR UNDER DEPARTMENT CONTROL OR SUPERVISION

§ 106.1 Biological products; exemption.

The Deputy Administrator may exempt any biological product from one or more of the requirements of this Subchapter if he determines that such product will be used by the Department or under the supervision or control of the Department in the prevention, control or eradication of animal diseases in connection with (a) an official USDA program; or (b) an emergency animal disease situation, or (c) a USDA experimental use of the product. Authority: 37 Stat. 832–833; 21 U.S.C. 151–158.

All written submissions regarding this rulemaking will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 814, Hyattsville, Maryland, during regular hours of business (8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

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

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-30623 Filed 9-30-80; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 206

[Reg. F: Docket No. R-0269]

Securities of State Member Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board hereby adopts amendments to its Regulation F (12 CFR 206), consistent with the recent amendments to comparable regulations of the Securities and Exchange Commission, Form and Content of Financial Statements designated Article 9 of Regulation S-X. Concurrently, the Board, for purposes of simplification, amends Regulation F by referencing the Instructions for the Preparation of the Supervisory Reports of Condition and Income. To the extent additional financial statement data are required for securities disclosure purposes, supplemental instructions are issued and applicable.

EFFECTIVE DATE: November 1, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas A. Sidman, Assistant Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3503).

SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the **Federal Register** (44 Fed. Reg. 76551) a notice of proposed rulemaking to amend the Board's securities disclosure regulation in order to make them substantially similar to comparable rules and regulations issued by the Securities and Exchange Commission and simplify the regulation by referencing the Instructions for the Preparation of the Supervisory Reports of Condition and Income. Interested persons were given the opportunity to submit comments regarding the proposed amendments no later than March 1, 1980. All comments received have been given due consideration. No substantive revisions were suggested by the comments.

Thus, the Board has adopted the proposal as published for comment, and 12 CFR Part 206 is amended as set forth below.

By order of the Board of Governors, September 23, 1980.

Theodore E. Allison,

Secretary of the Board.

12 CFR Part 206 is amended as follows:

Section 206.7 of Regulation F, 12 CFR 206.7, is amended to read as follows:

§ 206.7 Form and content of financial statements.

(a) *Principles of financial reporting.* Financial statements filed with the Board pursuant to this part shall be prepared in accordance with generally accepted accounting principles and practices applicable to banks. The Board may from time to time issue releases on accounting principles and practices to be used with respect to specific areas.

(b) *Verification*—(1) *General.* (i) Every verification with respect to financial statements filed pursuant to this part shall be dated, shall be signed manually, shall indicate the city and State where issued, and shall identify without detailed enumeration the financial statements covered by the verification.

(ii) If the person or persons making a verification considers that he/she must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(2) *Opinions to be expressed by principal accounting officer and internal auditor.* Every verification by a bank's principle accounting officer and internal auditor shall state:

(i) The opinions of such persons with respect to the financial statements covered by the verification and the accounting principles and practices reflected therein; and

(ii) The opinions of such persons as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by paragraph (e)(5) of this section.

(3) *Examination by independent public accountants.*—(i) *Qualifications of independent public accountants.* (A) The Board will not recognize any person as an independent public accountant who is not registered or licensed to practice as a public accountant by a regulatory authority of a State and in good standing with such authority as such an accountant.

(B) The Board will not recognize any certified public accountant or public accountant as independent who is not in

fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (*1*) in which, during the period of his/her professional engagement to examine the financial statements being reported on or at that date of his/her report, the firm or a member of the firm had, or was committed to acquire, any direct financial interest or any material indirect financial interest, or (*2*) with which, during the period of his/her professional engagement to examine the financial statements being reported on, at the date of the report or during the period covered by the financial statements, the firm or a member of the firm was connected as a promoter, underwriter, voting trustee, director, officer, or employee. A firm will be deemed independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has been completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his/her employment by the person. For the purposes of § 206.7 the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

(C) In determining whether a public accountant is, in fact, independent with respect to a particular person, the Board will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Board.

(ii) *Representations as to the audit.* The independent public accountant's report—

(A) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(B) Shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission. Nothing in this provision shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (b)(3)(iii) of this section.

(iii) *Opinions to be expressed.* The independent public accountant's report shall state clearly:

(A) The opinion of the accountant with respect to the financial statements covered by the report and the accounting principles and practices reflected therein; and

(B) The opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements required to be set forth by paragraph (e)(5) of this section.

(iv) *Exceptions.* If the accountant making the report considers that he/she must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(v) *Association with unaudited note covering interim financial data.* If the financial statements covered by the accountant's report designate as "unaudited" the note required by § 206.7(e)(13)(vii), it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which the note is included.

(vi) *Examination of financial statements by more than one independent public accountant.* If, with respect to the examination of the financial statements of any bank, the principal independent public accountant relies on an audit made by another independent public accountant of certain of the accounts of such bank or its subsidiaries, the report of such other accountant shall be filed (and the provisions of this subparagraph shall be applicable thereto); however, the report of such other accountant need not be filed (A) if no reference is made directly or indirectly to such other accountant's audit in the principal accountant's report, or (B) if, having referred to such other accountant's audit the principal accountant's report indicates an assumption of responsibility for such other accountant's audit.

(c) *Falsification of accounting records.* No person shall, directly or indirectly, falsify or cause to be falsified, any book, record or account subject to section 13(b)(2)(A) of the Securities Exchange Act.

(d) *Bank's representations in connection with the preparation of required reports and documents.* No director or officer of a bank shall directly or indirectly make or cause to be made a materially false or misleading statement, or omit to state, or cause another person to omit to state, any material fact necessary in order to make statements made, in light of the circumstances under which such statements were made, not misleading to an accountant in connection with (1) any audit or examination of the financial statements of the bank required to be made pursuant to this part or (2) the preparation or filing of any document or report required to be filed with the Board pursuant to this part or otherwise.

(e) *Provisions of general application.*—(1) *Requirements as to form.* Financial statements shall be prepared in accordance with the applicable requirements of Formats 9A, B, C, D, and E. All money amounts required to be shown in financial statements may be expressed in even dollars or thousands of dollars. If shown in even thousands, an indication to that effect shall be inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. The individual amounts shown need not be adjusted to the nearest dollar or thousand if the failure of the items to add to the totals shown is stated in a note as due to the dropping of amounts of less than $1.00 or $1,000, as appropriate.

(2) *Items not material.* If the amount that would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

(3) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* No caption need be shown in any financial statement required by the forms set forth in this Part as to which the items and conditions are not present. Financial statements not required or inapplicable because the required matter is not present need not be filed, but the statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(4) *Additional information.* In addition to the information required with respect to any financial statement, such further information shall be furnished as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(5) *Changes in accounting principles and practices and retroactive adjustments of accounts.* Any change in accounting principle or practice, or in the method of applying any accounting

principle or practice, made during any period for which financial statements are filed that affects comparability of such financial statements with those of prior or future periods and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement. Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods, shall be disclosed in a note to the appropriate financial statement.

(6) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such a case specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

(7) *Reacquired evidences of indebtedness.* Reacquired evidences of indebtedness shall be deducted from the appropriate caption.

(8) *Reacquired shares.* When authorized by statute, reacquired shares not retired shall be shown separately as a deduction from capital shares, or from the total of capital shares and other stockholders' equity, at either par or stated value, or cost, as circumstances require.

(9) *Foreign activities.* If assets, or operating income, or income (loss) before taxes and securities gains (losses), or net income (loss) associated with foreign activities, exceeded 10 percent of the corresponding amount in the related financial statements, the following disclosures concerning foreign activities shall be furnished in a note to the financial statements.

(i) Loans. State separately loan categories as prescribed by Schedule A, Column C of Consolidated Report of Condition, FR 2106, as applicable. Categories of less than 10 percent of total loans related to foreign activities may be grouped with all other loans.

(ii) Balances with banks in foreign countries. State separately balances with foreign branches of other U.S. banks and with other banks in foreign countries. (See line 5(a) and (b) of Schedule C, Column C of Consolidated Report of Condition, FR 2106.) Also furnish the amount of interest-bearing balances included above.

(iii) Deposit liabilities. Furnish deposit information as prescribed in Schedule F/F of Consolidated Report of Condition, FR 2106. State also amount of interest-bearing deposits in denominations of $100,000 or more.

(iv) Other borrowings. State separately short-term borrowings, other liabilities for borrowed money, and other indebtedness related to foreign activities corresponding to the amounts reported on the Balance Sheet (Format F-9A) Items 18, 20, 21 and 25.

(v) Income and expense summary. For each period for which an income statement is filed, furnish information as prescribed in Part 1, Column B and Part 2 of the Statement of Income FR 2107s. State in a note the basis of pricing money transfers and the policy governing allocation of income and expenses to foreign activities.

(vi) Allowance for possible loan losses. For each period for which a statement of income is filed, furnish in a note a reconciliation of changes in the allowance for possible loan losses applicable to loans related to foreign activities.

(vii) If disclosure above is required, state separately in a note for each significant geographic area, and in the aggregate for all other geographic areas not deemed significant, the following.

(A) Total assets (net of valuation allowances)

(B) Total operating income

(C) Income (loss) before taxes and securities gains (losses)

(D) Net income (loss)

Note.—A "significant geographic area" is one whose assets, operating income, or net income exceed 10 percent of the comparable amount as reported in the related financial statements.

(10) *Foreign currencies.* The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown. Disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the bank and its subsidiaries.

(11) *Commitments.* If material in amount, the pertinent facts relative to firm commitments for the acquisition, directly or indirectly, of fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material the following shall be set forth in a note to appropriate financial statement:

(i) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals.

(ii) The minimum rental commitments under all noncancelable leases shall be disclosed, as of the date of the latest balance sheet required, in the aggregate for (A) each of the five succeeding fiscal years and (B) the remainder as a single amount. The amounts so determined should be reduced by rentals to be received from existing noncancelable subleases (with disclosure of the amounts of such rentals). For purposes of this rule, a noncancelable lease is defined as one that has an initial or remaining term of more than one year and is noncancelable, or is cancelable only upon the occurrence of some remote contingency or upon the payment of a substantial penalty.

(iii) Additional disclosures shall be made to report in general terms; (A) the basis for calculating rental payments if dependent upon factors other than the lapse of time; (B) existence and terms of renewal or purchase options, escalation clauses, etc.; (C) the nature and amount of related guarantees made or obligations assumed; (D) restrictions on paying dividends, incurring additional debt, further leasing, etc.; and (E) any other information necessary to assess the effect of lease commitments upon the financial position, results of operations, and changes in financial position of the lessee.

(12) *General notes to balance sheets.* If present with respect to the bank for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto. Information required by paragraphs (e)(12) (i), (v), (vi), (vii), (viii), (ix) and (x) of this section shall be provided with the most recent fiscal year balance sheet and any interim date balance sheet being filed.

(i) Assets subject to lien. The amounts of assets mortgaged, pledged, or otherwise subject to a lien or security interest shall be designated and the obligation secured thereby, if any, shall be identified briefly.

(ii) Intercompany profits and losses. The effect upon any balance sheet item of profits or losses, resulting from transactions with affiliated companies and not eliminated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, an estimate or explanation shall be given.

(iii) Pension and retirement plans. (A) A brief description of the essential provisions of any employee pension or retirement plan and of the accounting and funding policies relating thereto shall be given; (B) The estimated annual cost of the plan shall be stated; (C) if a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the plan shall be disclosed; (D) The excess, if any, of the actuarily computed value or vested benefits over the total of the pension fund and any balance sheet accruals, less any pension prepayments or deferred charges, shall be stated as of the most recent practicable date; (E) A statement shall be given of the nature and effect of significant matters affecting comparability of pension costs for which income statements are presented.

(iv) Capital stock optioned to officers and employees. (A) A brief description of the terms of each option arrangement shall be given, including the title and amount of securities subject to the option, the year or years during which the options were granted, and the year or years during which the optionees became, or will become, entitled to exercise the options; (B) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised; and the number of unoptioned shares available at the beginning and at the close of the latest period presented, for the granting of options under an option plan. A brief description of the terms of each other arrangement covering shares sold or offered for sale to only directors, officers, and key employees shall be given, including the number of shares, and the offered price and fair value thereof (per share and in total) at the dates of sale or offer to sell, as appropriate. The required information may be summarized as appropriate with respect to each of the categories referred to in this subclause (B); (C) The basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto shall be stated.

(v) Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes. Describe the most restrictive of any such restriction, other than as reported, pursuant to Item 26(b) of Format F-9A, indicating briefly its source, its pertinent provisions, and where appropriate and determinable, the amount of the surplus and/or undivided profits (A) so restricted or (B) free of such restrictions.

(vi) Contingent liabilities. A brief statement as to contingent liabilities not reflected in the balance sheet shall be made.

(vii) Standby letters of credit. State the amount of outstanding "standby letters of credit." For the purpose of this paragraph, "standby letters of credit" include ever letter of credit (or similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of the issuing bank (A) to repay money borrowed by or advanced to or for the account of the account party or (B) to make payment on account of any evidence of indebtedness undertaken by the account party, or (C) to make payment on account of any default by the account party in the performance of an obligation,[1] except that, if prior to or at the time of issuance of a standby letter of credit, the issuing bank is paid an amount equal to the bank's maximum liability under the standby letter of credit, or has set aside sufficient funds in a segregated, clearly earmarked deposit account to cover the bank's maximum liability under the standby letter of credit, then the amount of that standby letter of credit need not be stated.

(viii) Defaults. The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a stated indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements. If a default breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(ix) Significant changes in bonds, mortgages, and similar debt. Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

(x) Warrants or rights outstanding. Information with respect to warrants or rights outstanding at the date of the related balance sheet shall be set forth as follows: (A) Title of issue of securities called for by warrants or rights outstanding; (B) aggregate amount of securities called for by warrants or rights outstanding; (C) date from which warrants or rights are exercisable and expiration date; (D) price at which warrant or right is exercisable.

(13) *General notes to statements of income.* If present with respect to the bank for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

(i) Intercompany profits and losses. The amount of any profits or losses resulting from transactions between unconsolidated affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, an estimate or explanation shall be given.

(ii) Depreciation and amortization. For the period for which statements of income are filed, there shall be stated the policy followed with respect to: (A) The provision for depreciation of physical properties or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (B) The provision for depreciation and amortization of intangibles or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (C) The accounting treatment for maintenance, repairs, renewals, and improvements; and (D) The adjustment of the accumulated valuation allowances for depreciation and amortization at the time the properties were retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(iii) Bonus, profit sharing, and other similar plans. Describe the essential provisions of any such plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(iv) Income tax expense. (A) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (*1*) taxes currently payable; (*2*) the net tax effects, as applicable, of

[1] As defined, "standby letter of credit" would not include (1) commercial letters of credit and similar instruments where the issuing bank expects the beneficiary to draw upon the issuer and which do not "guaranty" payment of a money obligation or (2) a guaranty or similar obligation issued by a foreign branch in accordance with and subject to the limitations of Regulation M.

(*1*) timing differences (indicate separately the amount of the estimated tax effect of each of the various types of timing differences where the amount of each such tax effects exceeds 5 percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rates; other differences may be combined) and (*ii*) operating losses; and (*3*) the net deferred investment tax credits. Amounts applicable to United States Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each major component, unless the amounts applicable to foreign and other income taxes do not exceed 5 percent of the total for the component. (B) If it is expected that the cash outlay for income taxes with respect to any of the succeeding three years will substantially exceed income tax expense for such year, that fact should be disclosed together with the approximate amount of the excess, the year (or years) of occurrence and the reasons therefor. (C) Provide a reconciliation between the amount of reported total income tax expense and the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, showing the estimated dollar amount of each of the underlying causes for the difference. If no individual reconciling item amounts to more than 5 percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, and the total difference to be reconciled is less than 5 percent of such computed amount, no reconciliation need be provided unless it would be significant in appraising the trend of earnings. Reconciling items that are individually less than 5 percent of the computed amount may be aggregated in the reconciliation. The reconciliation may be presented in percentages rather than in dollar amounts.

(v) Interest capitalized. The amount of interest cost capitalized in each period for which an income statement is presented shall be shown within the income statement. Banks which follow a policy of capitalizing interest cost shall make the following additional disclosures: (A) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined. (B) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

(vi) Disagreements on accounting and financial disclosure matters. If, (A) within the twenty-four months prior to the date of the most recent financial statements, a Form F–3 has been filed reporting a change of accountants, (B) included in the Form F–3 there was a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, (C) during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved the reported disagreement, and (D) such transactions or events where material and were accounted for or disclosed in a manner different from that which the former accountants apparently would have concluded was required, state the existence and nature of the disagreement and also state the effect on the financial statements if the method had been followed which the former accountant apparently concluded was required. The effects on the financial statements need not be disclosed if the method asserted by the former accountant ceases to be generally accepted because of authoritative standards or interpretations subsequently issued.

(vii) Disclosure of selected quarterly financial data in notes to financial statements.

Exemption. This rule shall not apply unless the bank meets the following conditions:

(A) The bank's securities registered under Section 12(g) of the Securities Exchange Act of 1934 are quoted on the National Association of Securities Dealers Automated Quotation System and (*1*) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in section 220.8(i) of Regulation T of the Board of Governors of the Federal Reserve System or (*2*) the bank has securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934; and

(B) The bank and its consolidated subsidiaries (*1*) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting of a least $250,000 for each of the last three fiscal years; or (*2*) had total assets of at least $200,000,000 as of the end of the last fiscal year.

(1) Disclosure shall be made in a note to financial statements of total operating income, income before securities gains (losses), income before extraordinary items and cumulative effect of a change in accounting, net income, and per share data based upon such income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(2) When the data required by the preceding paragraph above vary from the amounts previously reported on the Form F–4 filed for any quarter, such as would be the case when a pooling of interests occurs or where an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(3) Describe the effect of any unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments that are material to the results of that quarter.

(4) Where this note is part of audited financial statements, it may be designated "unaudited."

(f) *Consolidated financial statements.* (1) Consolidated statements generally present more meaningful information to the investor than unconsolidated statements. Except where good reason exists, consolidated statements of the bank and its majority-owned significant subsidiaries should be filed.

(2) Every majority-owned bank-premises subsidiary and every majority-owned subsidiary operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations") shall be consolidated with that of the reporting bank irrespective of whether such subsidiary is a significant subsidiary.

(3) If the financial statements of a subsidiary are as of a date or for periods different from those of the bank, such statements may be used as the basis for consolidation of the subsidiary only if the date of such statements is not more than 93 days from the date of the close of the bank's fiscal year; the closing date of the subsidiary is specified; the necessity for the use of different closing dates is explained briefly; and any changes in the respective fiscal periods of the bank and the subsidiary made during the period of report are indicated clearly.

(4) There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the bank's books, and the bank's equity in the net assets of such subsidiaries as shown by the subsidiaries' books. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the

balance sheet captions, and stating the amount included in each.

(5) There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50 per cent or less owned persons, the investments in which are accounted for by the equity method are consolidated or combined in one or more groups, pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

(6) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (i) subsidiaries and (ii) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(7) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Board which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed. If there have been any changes in the respective fiscal periods of the persons included made during the periods of the report which have a material effect on the financial statements, indicate clearly such changes and the manner of treatment.

(8) A statement shall be made in a note to the latest balance sheet of the amount and the accounting treatment of any difference between the investment of a bank and its consolidated subsidiaries, as shown in the consolidated balance sheet, in the unconsolidated subsidiaries and 50 per cent or less owned persons accounted for by the equity method, and their equity in the net assets of such unconsolidated subsidiaries and 50 per cent or less owned persons.

(g) *Statement of changes in equity capital.* A statement of changes in equity capital shall be filed with each statement of income filed pursuant to this Part.

(h) *Statement of changes in financial position.* A statement of changes in financial position shall be filed with each statement of income filed pursuant to this Part.

(i) *Schedules to be filed.* (1) The following schedules shall be filed with each balance sheet filed pursuant to this part: Schedule I—U.S. Treasury Securities, Obligations of other U.S. Government Agencies and Corporations, Obligations of States and Political Subdivisions, and Other Bonds, Notes and Debentures; Schedule III—Loans; and Schedule IV—Bank Premises and Equipment.

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule II—Loans to Officers, Directors, Principal Security Holders, and any Associates of the Foregoing Persons; Schedule V—Investments in, Income from Dividends, and Equity in Earnings or Losses of Subsidiaries and Associated Companies; and Schedule VI—Allowance for Possible Loan Losses.

(3) Reference to the schedules referred to in subparagraphs (1) and (2) of this paragraph shall be made against the appropriate captions of the balance sheet or statement of income.

(4) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

Format F-9, 12 CFR 206.71

Section 206.71 of Regulation F, Format F-9, is amended to read as follows:

Board of Governors of the Federal Reserve System

Format F-9 Financial Statements

A. Balance Sheet (Format F-9A)
B. Statement of Income (Format F-9B)
C. Statement of Changes in Equity Capital (Format F-9C)
D. Statement of Changes in Financial Position (Format F-9D)
E. Schedules (Format F-9E)

General Instructions

1. *Preparation of Financial Statements.*

The formats are intended to serve as guides for preparation of financial statements required to be filed pursuant to this part. The formats are recommended presentations, but financial statements may be filed in such form and order as will best indicate their significance and character. Requirements for inclusion of financial statements in certain other guideline forms required by Regulation F are found in the instructions to such forms.

Requirements set forth in § 206.7 of this part shall be applicable to financial statements filed pursuant to Regulation F. The term, "financial statements," as used in this instruction, includes all required notes to financial statements and all required schedules.

2. *Accrual accounting.*

Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) Where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments, that were necessary and their effect on prior financial statements filed under this part.

3. *Negative Amounts.*

Negative amounts shall be shown in brackets or parantheses and so described in the related caption, columnar heading or a note to the statement or schedule, as appropriate.

4. *Items not Material.*

If the amount that would otherwise be required to be shown with respect to any items is not material, it need not be separately set forth

5. *Inapplicable Captions and Omission of Unrequired or Inapplicable Financial Statements and Schedules.*

No caption need be shown in any financial statement or schedule if the items and conditions are not present. Financial statements and schedules not required or inapplicable because the required matter is not present need not be filed, but the statements and schedules omitted and the reasons for their omission shall be indicated in the list of financial statements and schedules required by the applicable form.

A. Balance Sheet

The Balance Sheet shall be prepared in accordance with the *Instructions* for the Preparation of the Consolidated Report of Condition (FR 2103, FR 2105 or FR 2106, as applicable) except to the extent revised or expanded financial data presentation is necessary to meet the disclosure standards of the Securities Exchange Act of 1934, as amended.

Note.—Banks subject to this part are required to report on the accrual basis of accounting.

The following captions and added *supplemental* instructions shall be observed in the preparation of the Balance Sheet required under this part.

Assets

1. Cash and due from depository institutions—

(a) State separately (1) interest bearing deposits in other banks and (2) noninterest bearing deposits and cash. (See Schedule C of FR 2105 or FR 2106.)

2. U.S. Treasury Securities
3. Obligations of other U.S. Government agencies and corporations
4. Obligations of States and political subdivisions in the United States
5. Other bonds, notes and debentures
6. Federal Reserve stock and corporate stock—

(a) With respect to Items 2, 3, 4, 5 and 6, state parenthetically on the balance sheet or in a note for each category the aggregate amount on the basis of market quotations or fair value of securities at the balance sheet date.

(b) With respect to Items 2, 3, 4, 5 and 6, state in a note the basis by which book value is determined. Bond premium shall be amortized and discount shall be accreted.

(c) With respect to Items 4, 5 and 6, as applicable, state in a note the name of issuer, aggegate book value and aggregate amount on the basis of market quotations or fair

value of the securities of any issuer for which the aggregate book value exceeds 10 percent of the equity capital accounts of the bank. Debt securities issued by a State of the United States and its political subdivisions and agencies which are payable from and secured by the same source of revenue or taxing authority shall be considered to be securities of a single issuer. Consideration shall be given to disclosure of risk characteristics of the securities of an issuer and of differences in risk characteristics of different issues of securities of an issuer as may be appropriate.

7. Trading account securities—

(a) State in a note whether securities in the trading account are valued at lower of cost or market. If market basis is not used in valuing the trading account securities inventory, furnish the aggregate fair market value at each balance sheet date.

8. Federal funds sold and securities purchased under agreements to resell

9. Loans, (net of unearned income)

Less: Allowance for possible loan losses

Loans, net—

(a) If the amount exceeds 5 percent of equity capital, state in a note the aggregate amount of loans outstanding to officers, directors and principal security holders and associates. Amounts to be reported shall include loans from the bank or any subsidiary. It shall not be necessary to disclose amounts related to individuals for household, family and other personal expenditures made in the ordinary course of business that (i) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectibility or present other unfavorable features.

Note.—See Format F-9E, Schedule II for reporting requirements of certain individual indebtedness.

10. Lease financing receivables

11. Bank premises, furniture and fixtures and other assets representing bank premises

12. Real estate owned other than bank premises—

(a) State in a note (1) the basis at which carried, (2) the aggregate fair market value of all real estate owned other than bank premises with an explanation of the method of determining such fair market value, and (3) a reconciliation of any valuation allowance account.

13. Investments in unconsolidated subsidiaries and associated companies

14. Customers' liability to this bank on acceptances outstanding

15. Other assets

16. Total Assets

Liabilities

17. Deposits

(a) State separately—

(1) Demand deposits in domestic bank offices

(2) Savings deposits in domestic bank offices

(3) Time deposits in domestic bank offices

(4) Deposits in foreign offices

(See Schedules F and FF of FR 2105 or FR 2106, as applicable.)

(b) State in a note the aggregate amount of (1) time certificates of deposit and (2) other time deposits in denominations of $100,000 or more in domestic offices. (See Memoranda Items 1(b) and (c) of FR 2105 and FR 2106, as applicable.)

18. Federal funds purchased and securities sold under agreements to repurchase—

(a) If the approximate average balance outstanding during the period for any category was more than 30 percent of equity capital accounts, state in a note with respect to each activity category the following:

(1) Weighted average interest rate at balance sheet date.

(2) Maximum amount of borrowings at any month-end during each period for which an end-of-period balance sheet is required

(3) Approximate average borrowings outstanding during the period

(4) Approximate weighted average interest rate for such average borrowing outstanding during the period

19. Interest-bearing demand notes (note balance) issued to the U.S. Treasury

20. Other liabilities for borrowed money—See supplemental instruction to Item 18.

21. Mortgage indebtedness and liability for capitalized leases—

(a) State in a note material terms and conditions of each obligation including (but not limited to) (1) the general character of the debt, (2) the rate of interest, (3) the date of maturity, or if maturing serially, a brief indication of the serial maturities, (4) if the payment of principal or interest is contingent, an appropriate indication of such contingency, (5) a brief indication of priority and (6) the amount outstanding at the balance sheet date.

(b) Furnish in tabular from the combined aggregate amount of maturities and sinking fund requirements for all obligations, each year for the five years following the date of the balance sheet.

(c) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, state in a note the amount thereof together with an appropriate explanation.

22. Bank's liability on acceptances executed and outstanding

23. Other liabilities

24. Total liabilities (excluding subordinated notes and debentures)

25. Subordinated notes and debentures—

(a) State in a note material terms and conditions of each obligation including (but not limited to) (1) the general character of the debt, (2) the rate of interest, (3) the date of maturity, or if maturing serially, an indication of serial maturities, (4) if the payment of principal or interest is contingent, and appropriate indication of such contingency, (5) a brief indication of priority and (6) the amount outstanding at the balance sheet date.

(b) Furnish in tabular form the combined aggregate amount of maturities and sinking fund requirements for all obligations, each year for the five years following the date of the balance sheet.

Equity Capital

26. Preferred stock—

(a) State for each class of shares the title of issue, the number of shares authorized, issued and outstanding, the par or stated value per share and the capital share liability thereof, and if convertible, the basis of conversion. Show also the dollar amount, if any, of shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom.

(b) State in a note (1) If callable, the date or dates and the amount per share at which such shares are callable, (2) if convertible, the terms of the conversion, (3) any arrears in cumulative dividends per share and in total for each class of shares, and (4) the preferences on involuntary liquidation, if other than the par or stated value. When the excess involved is material, there shall be shown the difference between the aggregate preference on involuntary liquidation and the aggregate par or state value, a statement this difference (plus any arrears in dividends) exceeds the sum of the par or stated value of the junior capital shares, surplus, and undivided profits including reserve for contingencies and other capital reserves if such is the case, and a statement as to the existence (for absence) of any restrictions upon surplus and/or undivided profits growing out of the fact that upon involuntary liquidation the preference of the preferred stock exceeds its par or stated value.

27. Common stock—

(a) State for each class of shares the title of issue, the number of shares authorized, issued and outstanding, the par or stated value per share and the capital share liability thereof. Show also the dollar amount, if any, of shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom.

28. Surplus

29. Undivided profts

30. Reserve for contingencies and other capital reserves

31. Total Equity Capital

32. Total Liabilities and Equity Capital

General Notes to the Balance Sheets

If present with respect to the bank for which the statement is filed, the following topical information shall be furnished in notes to the balance sheets:

1. Assets subject to Lien.

2. Intercompany profits and losses.

3. Pension and Retirement Plans.

4. Capital Stock Optioned to Officers and Employees.

5. Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes.

6. Contingent liabilities.

7. Standby letters of credit.

8. Defaults.

9. Significant Changes in Bonds, Mortgages, and Similar Debt.

10. Warrants or rights outstanding.

For detailed instructions as to required content of above general notes to the balance sheet, refer to § 206.7(e)(12) of Regulation F.

B. Statement of Income

The Statement of Income shall conform generally to the Consolidated Report of Income (FR 2104 or FR 2107, as applicable) and related instructions thereto, except to the

extent revised or expanded financial data presentation is necessary to meet the disclosure standards of the Securities and Exchange Act of 1934, as amended.

Note.—Banks subject to this Part are required to report on an accrual basis of accounting.

The following captions and added *supplemental* instructions shall be observed in the preparation of the Statement of Income required under this part:

1. Operating Income:
(a) Interest and fees on loans
(b) Interest on balances with despository institutions
(c) Income on federal funds sold and securities purchased under agreements to resell in domestic offices of the bank and of its edge and Agreement subsidiaries
(d) Interest on U.S. Treasury securities
(e) Interest on obligations of other U.S. Government agencies and corporations
(f) Interest on obligations of States and other political subdivisions in the U.S.
(g) Interest on other bonds, notes and debentures
(h) Dividends on stock
(i) Income from lease financing
(j) Income from fiduciary activities
(k) Service charges on deposit accounts in domestic offices
(l) Other service charges, commissions and fees
(m) Other operating income
(n) Total Operating Income
2. Operating Expenses:
(a) Salaries and employee benefits
(b) Interest on time certificate of deposits of $100,000 or more issued by domestic offices
(c) Interest on deposits in foreign offices
(d) Interest on other deposits
(e) Expense of Federal funds purchased and securities sold under repurchase agreements in domestic offices of the bank and of its Edge and Agreement subsidiaries
(f)(1) Interest on demand notes (note balances) issued to the U.S. Treasury
(2) Interest on other borrowed money
(g) Interest on subordinated notes and debentures
(h)(1) Occupancy expense of bank premises, Gross
(2) Less-Rental income
(3) Occupancy expense of bank premises, Net
(i) Furniture and equipment expense
(j) Provision for possible loan losses
(k) Other operating expenses
(l) Total Operating Expenses
3. Income (Loss) Before Taxes And Securities Gains (Losses)
4. Applicable Income Taxes
5. Income (Loss) Before Securities Gains (Losses)
6. (a) Securities Gains (Losses), Gross
(b) Applicable Income Taxes
(c) Security Gains (Losses), Net
7. Income (Loss) Before Extraordinary Items And Cumulative Effects of Changes In Accounting Principles
8. Extraordinary Items, Less Applicable Income Tax
9. Cumulative Effects Of Changes In Accounting Principles
10. Net Income (Loss)
11. Earnings (Loss) Per Common Share[1]
(a) Income (Loss) Before Securities Gains (Losses)
(b) Net Income

Earnings per common share. State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to the financial statements.

General Notes to the Statement of Income

If present with respect to the bank for which the statement is filed, the following topical information shall be furnished in notes to the Statement of Income.

1. Intercompany profits and losses
2. Depreciation and amortization
3. Bonus, profit sharing, and other similar plans
4. Income tax expense
5. Interest capitalized
6. Disagreements on accounting and financial matters
7. Disclosure of selected quarterly financial data in notes to financial statements—

For detailed instructions as to required content of above general notes to the statement of income, refer to § 206.7(e)(13) of Regulation F.

C. Statement of Changes in Equity Capital

The format and content of the Statement of Changes in Equity Capital shall conform generally to Section B of the Consolidated Report of Income (FR 2104 and FR 2107) and related instructions thereto except to the extent revised or expanded financial data presentation is necessary to meet the disclosure standards of the Securities Exchange Act of 1934, as amended.

The following supplemental instructions shall be observed in preparation of the Statement of Changes in Equity Capital required under this Part.

Reconcile the various equity capital accounts individually as follows:

1. Balance end of previous year
2. Prior Period Adjustments[1]

(a) Cumulative effect type changes in accounting principles shall be reported under Item 9, of the Statement of Income.

3. Adjusted balance end of previous year
4. Net income (loss)
5. Sale, conversion, acquisition, or retirement of capital net:
(a) Transactions with own holding company or affiliates
(b) Other
6. Changes incident to mergers and absorptions, net
7. LESS: Cash dividends declared on common stock
8. LESS: Cash dividends declared on preferred stock
9. Stock dividend issued
10. Other increases (decreases)[1]
11. Balance end of period

D. Statement of Changes in Financial Position

Sources of Funds
Operations:
Net Income
Charges (Credits) to Income not affecting Funds:
Total Funds provided by Operations
Equity Funds—Proceeds
Subordinated Notes and Debentures—Sale Proceeds
Increase (Decrease) in Liabilities:[1]
Total
Applications of Funds
Payment of Dividends
Purchase of Property and Equipment
Increase (Decrease) in Assets:[1]
Total

E. Schedules

[Schedules I—U.S. Treasury Securities, Obligations of Other U.S. Government Agencies and Corporations, Obligations of States and Political Subdivisions, and Other Bonds, Notes and Debentures]

Type and maturity grouping	Book value [1]	Market value [2]
U.S. Treasury securities:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury securities		
Obligations of other U.S. Government agencies and corporations:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of other U.S. Government agencies and corporations		
Obligations of States and political subdivisions:[3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligations of States and political subdivisions		
Other bonds, notes and debentures [4]		

[1] State briefly in a footnote the basis for determining the amounts in this column.
[2] If market value is determined on any basis other than market quotations at balance sheet date, explain.
[3] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.
[4] State in a footnote the aggregate (a) book value and (b) market value of securities that are less than "investment grade".

Note.—See Schedule B of FR 2103, FR 2105, or FR 2106, as applicable.

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[1] If amounts are entered for Item 8 and/or 9, per share amounts shall be stated separately for Items 5, 8 and/or 9, and 10.

[1] State separately any material amounts, indicating clearly the nature of the transaction of which the item arose.

[1] Sources and applications of funds items shall be shown separately by amounts when they exceed 5 percent of the average of total funds provided during the respective reported periods.

Schedule II.—*Loans to Officers, Directors, Principal Security Holders, and Any Associates of the Foregoing Persons*

Col. A	Col. B	Col. C	Col. D Deductions		Col. E
Name of borrower [2]	Balance at beginning of period [1]	Additions	(1) Amounts collected [3]	(2) Amounts charged off	Balance at end of period

[1] Provide information if at any time during the period for which related income statements are required to be filed, loans to a specified person and associates exceeded 2½% of equity capital of the bank or $500,000, whichever is less.

It shall not be necessary to include amount of loans related to individuals for household, family and other personal expenditures made in the ordinary course of business as defined in item 9(a) of Format F-9A, Balance Sheet.

Loans to directors (and any associates) who are neither officers nor principal security holders may be stated in the aggregate. The number of directors for whom loans are stated in the aggregate shall be indicated in Column A.

[2] State in a note hereto pertinent information such as the maturity date, interest rate, terms of repayment and collateral. If any, of loans made to the specified persons named in Column A as of the date of the most recent balance sheet being filed.

[3] If collection was other than cash, explain.

Schedule III.—*Loans*

Type	Book value
Loans in domestic offices:	
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	$
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Loans to finance agricultural production and other loans to farmers	
Commercial and industrial loans	
Loans to individuals for household, family and other personal expenditures	
All other loans (including overdrafts)	
Loans in foreign offices	
Total loans, gross	
Less: Unearned income on loans	
Total loans (excluding unearned income)	

NOTE.—See Schedule A of FR 2103, FR 2105 or FR 2106, as applicable.

Schedule IV.—*Bank Premises and Equipment*

Classification	Col. A Gross book value [1]	Col. B Accumulated depreciation and amortization [2]	Col. C Amount at which carried on balance sheet
Bank premises (including land dollars)	$	$	$
Equipment			
Leasehold improvements			
Total			

Schedule IV.—*Bank Premises and Equipment—Continued*

Classification	Col. A Gross book value [1]	Col. B Accumulated depreciation and amortization [2]	Col. C Amount at which carried on balance sheet

[1] State the basis of determining the amounts in column A.

[2] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.

Schedule V.—*Investments in Income From Dividends, and Equity in Earnings or Losses of Subsidiaries and Associated Companies*

Name of issuer [1]	Col. A Percent of voting stock owned	Col. B Total investment	Col. C Equity in underlying net assets at balance sheet date [2]	Col. D Amount of dividends [3]	Col. E Bank's proportionate part of earnings or loss for the period
Totals		$	$	$	$

[1] Group separately securities of (a) subsidiaries consolidated, (b) subsidiaries not consolidated, and (c) associated companies. Show shares, bonds, notes and advances separately in each case.

[2] Equity shall include advances and other obligations reported in column B to the extent recoverable.

[3] State as to any dividends other than cash the basis on which they have been reported as income. If any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

Schedule VI.—*Allowance for Possible Loan Losses*

	Amount
Balance end of previous period	$
Recoveries credited to allowance	
Changes incident to mergers and absorptions [1]	
Provisions for possible loan losses	
Less: Losses charged to allowance	
Foreign currency translation adjustment	
Balance end of period [2]	

[1] Describe briefly in a footnote any such addition.

[2] State in a footnote (1) the amount deducted for Federal income tax purposes, (2) the maximum amount that could have been deducted for Federal income tax purposes, and (3) the balance of the allowance at the end of the period as reported for Federal income tax purposes.

NOTE.—See Schedule C of FR 2104 or FR 2107, as applicable.

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Board of Governors of the Federal Reserve System.

[FR Doc. 80-29894 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-SO-62; Amdt. No. 39-3930]

Airworthiness Directives; Piper PA-31, PA-31-300, PA-31-325 and PA-31-350 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revocation of Final Rule.

SUMMARY: After issuing Amendment 39-3901 (45 FR 58103), an Airworthiness Directive (AD), which requires inspection, reinforcement and, if necessary, repair of the fuselage bulkhead flange at the attachment point for the vertical tail forward spar on certain Piper PA-31, PA-31-300, PA-31-325 and PA-31-350 series airplanes, the FAA has determined that this AD is unduly restrictive and is being revoked. A less restrictive AD is being processed in a separate rulemaking action.

DATE: This amendment becomes effective October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Ben Davis, ASO-212, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: The FAA has determined, based on further data provided by the manufacturer, that Amendment 39-3901 (45 FR 58103), an AD, which requires a repetitive inspection, reinforcement and, if necessary, repair of the fuselage station 317.75 bulkhead on certain PA-31, PA-31-300, PA-31-325 and PA-31-350 series airplanes is unduly restrictive in that it requires an unnecessary modification of all airplanes with 2,000 or more hours total time in service. A less restrictive AD is being processed in a separate rulemaking action, but to avoid confusion and prevent the unjustified filing of violations during the interim, the FAA has decided to revoke Amendment 39-3901. Amendment 39-3901 was not printed and distributed to owners and operators of these aircraft by the FAA's Publication Branch; therefore, an AD number has not been assigned to this Amendment.

Since this Amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the Amendment may be made effective in less than 30 days.

Adoption of the Amendment

§ 39.13 [Revoked]

Accordingly, pursuant to the authority delegated to me by the Administrator, Amendment 39-3901 (45 FR 58103) of § 39.13 of Part 39 of the Federal Aviation Regulations is revoked.

This Amendment becomes effective October 2, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Issued in East Point, Georgia on September 19, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-30357 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-CE-17]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Atchison, Kans.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Atchison, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Amelia Earhart Airport, Atchison, Kansas, utilizing the St. Joseph OMNI directional range as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: December 25, 1980.

FOR FURTHER INFORMATION CONTACT: Charles A. Sears, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Amelia Earhart Airport, Atchison, Kansas, is being established utilizing the St. Joseph OMNI Directional Range as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the

designation of a transition area at Atchison, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 49949 and 49950 of the **Federal Register** dated July 28, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Atchison, Kansas. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445), is amended effective 0901 G.m.t., December 25, 1980, by adding the following new transition area:

Atchison, Kans.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Amelia Earhart Airport [Latitude 30°34'15"N, Longitude 95°10'47"W) and within 3 miles each side of the St. Joseph VORTAC (Latitude 30°57'38"N, Longitude 94°55'30"W) R207° extending to 5 miles northeast of the airport and within 2.5 miles each side of the SUMMR waypoint (Latitude 39°42'29"W) 174° bearing extending from the 5-mile radius area to 6 miles northwest of the airport.

Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 22, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-30180 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-28]

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Grantsburg, Wisconsin, to accommodate a new instrument approach procedure into Grantsburg Municipal Airport, Grantsburg, Wisconsin, established on the basis of a request from the local airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: December 25, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure necessitates that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 49946 of the **Federal Register** dated July 28, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Grantsburg, Wisconsin. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 25, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Grantsburg, Wis.

That airspace extending upward from 700' above the surface within a 6.5 statute mile radius of the Grantsburg Municipal Airport, Grantsburg, Wisconsin (latitude 45°47'45"N, longitude 92°40'15"W), and within 4.0 miles either side of the 188° bearing from the Grantsburg (GTG) VOR (latitude 45°46'09"N, longitude 92°40'30"W), extending from the 6.5 mile radius area out to 10.0 miles south of the airport.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this docuemnt is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-28, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 17, 1980.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-30360 Filed 10-01-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-GL-27]

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Hutchinson, Minnesota, to accommodate a new instrument approach procedure into Hutchinson Municipal Airport, Hutchinson, Minnesota, established on the basis of a request from the local airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: December 25, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure necessitates that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 49946 of the Federal Register dated July 28, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Hutchinson, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the notice of proposed rule making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 25, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Hutchinson, Minn.

That airspace extending upward from 700' above the surface within a 6.5 statute mile radius of the Hutchinson Municipal Airport, Hutchinson, Minnesota (latitude 44°52'N, longitude 94°23'W), within 3.0 statute miles each side of the 340° bearing from the airport, extending from the 6.5 mile radius out to 8.5 statute miles northwest of the airport, excluding that portion that overlies the Litchfield, Minnesota, transition area.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-27, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 17, 1980.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-30361 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-26]

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Greenwood, Indiana, to accommodate a new instrument approach procedure into Skyway Airport, Greenwood, Indiana, established on the basis of a request from the local airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: December 25, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using the approach procedure in instrument weather conditions from other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above gound to 700' above ground. The development of the proposed instrument procedure necessitates that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 49948 of the Federal Register dated July 28, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Greenwood, Indiana. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the notice of proposed rule making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 25, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Greenwood, Ind.

That airspace extending upward from 700' above the surface within a 6.5 mile radius of Skyway Airport, Greenwood, Indiana (latitude 39°38'00" N, longitude 86°05'15" W), excluding that portion that overlies the Indianapolis transition area.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-26, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 17, 1980.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-30362 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-32-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-60]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area, Moncks Corner, S.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule redesignates an extension in the Moncks Corner, South Carolina, Transition Area. This action provides controlled airspace required to protect instrument flight operations at the Berkeley County Airport.

EFFECTIVE DATE: 0901 G.m.t., November 21, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In the Moncks Corner, South Carolina, Transition Area described in § 71.181 (45 FR 445), an extension was designated on the 226° bearing from the Moncks Corner RBN to provide controlled airspace for aircraft executing the NDB Runway 5 standard instrument approach procedure at the Moncks Corner Airport. The final approach course, geographic locations of the RBN and the airport, and the airport name have been changed.

It is necessary to redesignate the extension, correct the RBN and airport locations, and the airport name in order to provide controlled airspace required to protect instrument flight operations at the airport.

In the interest of safety, it is found that notice and public procedure hereon are impracticable and contrary to the public interest.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, November 21, 1980, as follows:

Moncks Corner, S.C.

The present description is deleted and ". . . that airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Berkeley County Airport (Lat. 33°11'13"N., Long. 80°02'07"W.); within 3 miles each side of the 219° bearing from Moncks Corner RBN (Lat. 33°11'27"N., Long. 80°02'01"W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Georgia, on September 25, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-30724 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NE-35]

Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points; Alteration of the Greenville, Maine, 700-foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the description of the Greenville, Maine, 700-foot transition area so as to provide protected airspace for aircraft executing a new NDB Runway 14, Standard Instrument Approach Procedure (SIAP) to the Greenville Municipal Airport, Greenville, Maine. This action is required as a result of the relocation of the Greenville NDB and the cancellation of existing approach procedures.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: On Thursday, August 21, 1980, a Notice of Proposed Rulemaking was published in the **Federal Register**, Volume 45, No. 164, Page 55758, stating that the Federal Aviation Administration proposed to amend the Greenville, Maine, 700-foot Transition Area so as to provide protected airspace for aircraft executing a new NDB Runway 14 SIAP to the Greenville Municipal Airport, Greenville, Maine.

Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend Subpart G of the Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of Greenville, Maine, 700-foot transition area as follows:

Greenville, Maine

Delete the description of the Greenville, Maine, 700-foot transition area in its entirety and substitute in lieu thereof:

"That airspace extending upward from 700-foot transition surface within an 8.5 mile radius of the center (lat. 45°27'47"N, long. 69°33'21"W), Greenville Municipal Airport.

Greenville, Maine, within 3.5 miles each side of a 323 M (305 T) bearing from the SQUAW, Maine NDB extending from the 8.5 mile radius area to a point 11.5 miles northwest of the SQUAW NDB."

(Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a) and Section 6(c) of the Department of Transportation Act (49 USC 1655(c) and 14 CFR 11.69)))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 8, 1978). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on September 22, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80-30725 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 20803; Amdt. No. 1174]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

§ 97.23 [Amended]

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

** * * Effective November 13, 1980*

Yuma, AZ—Yuma MCAS/Yuma Intl, VOR Rwy 17, Amdt. 3
Fayetteville, AR—Drake Field, VOR/DME-B, Amdt. 3
Hawthorne, CA—Hawthorne Muni, VOR-A, Amdt. 3, cancelled
Rialto, CA—Rialto Muni/Miro Field, VOR-A, Original, cancelled
San Luis Obispo, CA—San Luis Obispo County, VOR-A, Amdt. 4
Baltimore, MD—Baltimore-Washington Intl, VOR Rwy 10, Amdt. 13
Baltimore, MD—Baltimore-Washington Intl, VOR/DME Rwy 22, Amdt. 6
Baltimore, MD—Baltimore-Washington Intl, VOR Rwy 28, Amdt. 18
Baltimore, MD—Baltimore-Washington Intl, VOR Rwy 33L, Amdt. 3

Port Huron, MI—St. Clair County Intl, VOR/DME-A, Amdt. 2
Robbinsville, NJ—Trenton-Robbinsville, VOR Rwy 29, Amdt. 8
Farmington, NM—Farmington Muni, VOR/DME Rwy 7, Amdt. 1
Farmington, NM—Farmington Muni, VOR Rwy 25, Amdt. 3
Devils Lake, ND—Devils Lake Muni, VOR Rwy 13, Amdt. 5
Devils Lake, ND—Devils Lake Muni, VOR Rwy 31, Amdt. 2
Borger, TX—Hutchinson County, VOR Rwy 17, Amdt. 4
Borger, TX—Hutchinson County, VOR/DME Rwy 35, Original
Melfa, VA—Accomack County, VOR/DME Rwy 2, Amdt. 2

** * * Effective September 18, 1980*

Elizabeth City, NC—Elizabeth City Coast Guard Air Base/Muni, VOR Rwy 1, Amdt. 6
Elizabeth City, NC—Elizabeth City Coast Guard Air Base/Muni, VOR Rwy 19, Amdt. 5

** * * Effective September 12, 1980*

Oakland, CA—Metropolitan Oakland Intl, VOR/DME Rwy 27L, Amdt. 10

§ 97.25 [Amended]

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective November 13, 1980*

San Luis Obispo, CA—San Luis Obispo County, LOC Rwy 11, Amdt. 1
Lake Charles, LA—Lake Charles Muni, LOC BC Rwy 33, Amdt. 11
Lubbock, TX—Lubbock Intl, LOC BC Rwy 35L, Amdt. 9
Lufkin, TX—Angelina County, LOC Rwy 7, Original
Wichita Falls, TX—Sheppard AFB/Wichita Falls Muni, LOC BC Rwy 15R, Amdt. 9

** * * Effective October 30, 1980*

Watertown, SD—Watertown Muni, LOC/DME BC Rwy 17, Amdt. 3

§ 97.27 [Amended]

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective November 27, 1980*

Sheldon, IA—Sheldon Muni, NDB Rwy 33, Amdt. 3
El Dorado, KS—El Dorado Muni, NDB Rwy 4, Original

** * * Effective November 13, 1980*

Lafayette, LA—Lafayette Regional, NDB Rwy 10, Original
Lake Charles, LA—Lake Charles Muni, NDB Rwy 15, Amdt. 14
Port Huron, MI—St. Clair County Intl, NDB Rwy 4, Amdt. 7
St. Paul, MN—Lake Elmo, NDB-A, Amdt. 1
Sedalia, MO—Sedalia Memorial, NDB Rwy 18, Amdt. 5
Sedalia, MO—Sedalia Memorial, NDB Rwy 36, Amdt. 6
Fremont, NE—Fremont Muni, NDB Rwy 13, Amdt. 3
Okmulgee, OK—Okmulgee Muni, NDB Rwy 17, Amdt. 1
Giddings, TX—Giddings-Lee County, NDB Rwy 17, Original
Lufkin, TX—Angelina County, NDB Rwy 7, Original
Melfa, VA—Accomack County, NDB Rwy 2, Amdt. 3

** * * Effective October 30, 1980*

Mount Pocono, PA—Mount Pocono, NDB-A, Amdt. 6, cancelled
Watertown, SD—Watertown Muni, NDB Rwy 35, Amdt. 3
Pennington Gap, VA—Lee County, NDB-A, Original

** * * Effective September 23, 1980*

Greenville, AL—Greenville Muni, NDB Rwy 32, Amdt. 3

** * * Effective September 18, 1980*

Elizabeth City, NC—Elizabeth City Coast Guard Airbase/Muni, NDB-A, Amdt. 6

** * * Effective September 12, 1980*

Oakland, CA—Metropolitan Oakland Intl, NDB Rwy 27R, Amdt. 1

§ 97.29 [Amended]

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective November 13, 1980*

Yuma, AZ—Yuma MCAS/Yuma Intl, ILS Rwy 21R, Amdt. 3
Lake Charles, LA—Lake Charles Muni, ILS Rwy 15, Amdt. 14
Baltimore, MD—Baltimore-Washington Intl, ILS Rwy 10, Amdt. 9
Baltimore, MD—Baltimore-Washington Intl, ILS Rwy 15R, Amdt. 10
Baltimore, MD—Baltimore-Washington Intl, ILS Rwy 28, Amdt. 4
Baltimore, MD—Baltimore-Washington Intl, ILS Rwy 33L, Amdt. 2
Okmulgee, OK—Okmulgee Muni, ILS Rwy 17, Amdt. 1
Lubbock, TX—Lubbock Intl, ILS Rwy 17R, Amdt. 14

** * * Effective October 30, 1980*

Watertown, SD—Watertown Muni, ILS Rwy 35, Amdt. 5

** * * Effective September 12, 1980*

Oakland, CA—Metropolitan Oakland Intl, ILS Rwy 27R, Amdt. 29

§ 97.31 [Amended]

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective November 13, 1980*

Baltimore, MD—Baltimore-Washington Intl, RADAR 1, Amdt. 8

§ 97.33 [Amended]

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective November 13, 1980*

Yuma, AZ—Yuma MCAS/Yuma Intl, RNAV Rwy 21R, Amdt. 3
Baltimore, MD—Baltimore-Washington Intl, RNAV Rwy 22, Amdt. 4
Port Huron, MI—St. Clair County Intl, RNAV Rwy 4, Amdt. 4
Port Huron, MI—St. Clair County Intl, RNAV Rwy 22, Amdt. 4
Marshall, TX—Harrison County, RNAV Rwy 33, Original

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on September 26, 1980.

John S. Kern,
Acting Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the **Federal Register** on May 12, 1969.

[FR Doc. 80-30727 Filed 10-1-80; 8:45 am]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 935

The Channel Islands National Marine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce

ACTION: Final rule.

SUMMARY: The Office of Coastal Zone Management within NOAA is issuing the Designation and final regulations for the Channel Islands National Marine Sanctuary off the coast of California (the Sanctuary). The Sanctuary was designated on September 22, 1980, after receiving Presidental approval on September 21, 1980. The Designation Document acts as a constitution for the Sanctuary establishing its boundaries, purposes and the activities subject to regulations. The regulations establish in accordance with the terms of the Designation the limitations and prohibitions on the activities regulated within the Sanctuary, the procedures by which persons may obtain permits for prohibited activities, and the penalties for committing prohibited activities.

DATE: The Designation and these implementing regulations are expected to become effective upon the expiration of a period of 60 calendar days of continuous session of Congress after their transmittal to Congress, concurrent with publication. This 60-day period is interrupted if Congress takes certain adjournments and the continuity of session is broken by an adjournment sine die. During the first 60 days after publication the Governor of California may certify that any terms of the Designation are unacceptable as they apply to State waters in which case the Designation and regulations shall be modified and may be withdrawn entirely. Therefore, the effective date can be determined by calling or writing the contact identified below. Also notification will be published in the **Federal Register** when the designation becomes effective.

FOR FURTHER INFORMATION CONTACT: Dallas Miner, Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W. Washington, D.C. 20235, (202) 634-4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection Research and Sanctuaries Act of 1972, as amended, 16 USC 1431-1434 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as far seaward as the outer edge of the Continental Shelf as marine sanctuaries to preserve or restore distinctive conservational, recreational, ecological, or aesthetic values. Section 302(f)(1) of the Act directs the Secretary to issue necessary and reasonable regulations to control activities permitted within a designated marine sanctuary. The authority of the Secretary to administer the provisions of the Act has been delegated to the Assistant Administrator for Coastal Zone Management within the National Oceanic and Atmospheric Administration, U.S. Department of Commerce (the Assistant Administrator).

On September 21, 1980, the Assistant Administrator received the President's approval to designate as a marine sanctuary an area of the waters off the coast of California, adjacent to the northern Channel Islands and Santa Barbara Island (the Islands), seaward to a distance of 6 nautical miles (nm). The area was so designated on September 22, 1980. However, since the Sanctuary includes waters within the seaward boundary of California, the Govenor of California has 60 days in which to certify that any of the terms of the Designation are unacceptable to the State in which case the terms certified will not become effective within State waters. In this event the regulations must be modified accordingly or the entire Designation may be withdrawn if it no longer meets the objectives of the Act, the regulations and the original Designation (see 15 CFR 922.26(e)). In addition the Act, as amended by Public Law 96-332, provides that the Designation becomes effective unless Congress disapproves it or any of its terms by a concurrent resolution adopted by both Houses "before the end of the first period of sixty calendar days of continuous session" after transmittal of the Designation to Congress (Section 302(b)(1) and 302(h)). This provision raises constitutional questions as noted by the President in his statement of August 29, 1980, signing Public Law 96-332 but will be treated as a "report-and-wait" provision in accordance with that statement. Consequently, the Designation and the regulations will not become effective until after the 60-day period described in Section 302(h). This period does not include those days on which either House is adjourned for more than 3 days to a day certain and is broken by an adjournment sine die. In view of Congress' schedule for the next few months, it is unlikely that this Designation and regulations will become effective before March 1981. Notification of the effective date will be published in the **Federal Register** at this time.

The Waters included in the Sanctuary, located in an area of upwelling and in a transition zone between the cold waters of the California Current and the warmer Southern California Countercurrent, support an exceptionally rich and varied biota, including one of the world's most diverse concentrations of marine mammals, several endangered species, and numerous seabirds. Although the area also sustains a variety of human uses, it is one of very few areas on the Southern California coast that has remained relatively unaltered. However, use of the Santa Barbara Channel is increasing and additional pressure is being placed on the resources from a number of activities. Accordingly, the primary purpose of managing the area and of these implementing regulations is to protect and to preserve the marine birds and mammals, their habitats and other natural resources from those activities which pose significant threats. Such activities include: discharges except for fish cleaning wastes and chumming materials, certain discharges incidental to vessel use of the area such as effluents from marine sanitation devices, engine exhaust and cooling waters, biodegradable galley wastes, and deck wash down, and discharges incidental to allowed hydrocarbon operations [Sec. 935.7(a)(1)]; construction on or alteration of the seabed except for navigational aids or in connection with allowed hydrocarbon operations [Sec. 935.7(a)(2)]; the unnecessary operation of certain commercial vessel or aircraft in the vicinity of important habitats with 1 nm of the islands and at lower than 1000 feet in the case of aircraft [Sec. 935.7(a)(3) and (4)]. All prohibitions must be applied consistently with recognized principles of international law.

To reduce the possibility of damage to the resources by pollution, hydrocarbon exploration and exploitation under leases issued after the effective data of these regulations will be prohibited [Sec. 935.6(c)]. Hydrocarbon operations under existing leases may continue subject to all conditions imposed by other authorities, including in particular the U.S. Geological Survey in its operating orders, the Environmental Protection Agency (EPA) through permits issued under section 402 of the Clean Water Act, 33 U.S.C. 1432, (known as NPDES permits), and the California Coastal Commission through its consistency determinations [Sec. 935.6(a)].

In addition, operators must maintain adequate oil spill contingency equipment on site [Sec. 935.6(b)].

The regulation of fishing and kelp harvesting in the Sanctuary waters will remain the responsibility of the California Department of Fish and Game, the Pacific Regional Fishery Management Council, and the National Marine Fisheries Service pursuant to the Fishery Conservation and Management Act of 1976, 16 USC 1801 *et seq*, (see Article 5, Section 1 of the Designation Document) although fishing vessels are subject to the same discharge regulations as other vessels [Sec. 935.7(a)(1)].

On December 5, 1979, NOAA published proposed regulations for the Sanctuary in the **Federal Register** (44 FR 69970) and at the same time issued a Draft Environmental Impact Statement (DEIS) which described in detail the proposed regulatory regime and alternatives to it. After consideration of the comments, an FEIS was issued on June 6, 1980 which described a somewhat revised regulatory regime. Some additional comments were received on the FEIS but the regulations discussed in the FEIS and those published here are substantially identical. The significant comments on the proposed regulations and the regulatory elements of the impact

statement and NOAA's responses to them follow:

(1) A number of reviewers, including the California Coastal Commission, the Board of Supervisors of Santa Barbara County, and numerous public interest groups, felt that the entire Santa Barbara Channel from Point Arguello to Point Mugu and the waters extending 12 nm around the northern Channel Islands and Santa Barbara Island should be designated as a marine sanctuary and therefore subject to the proposed regulations. They argued that:

(a) The natural resources described in the DEIS are found throughout the Channel; indeed, some are most prevalent beyond the boundary proposed.

(b) Because of the circular nature of the water currents in the Channel, activities occurring in the Channel beyond the 6 nm boundary are likely to affect the waters near the Islands.

(c) Coordinated management of the resources and activities of the proposed sanctuary is realistically possible only on a Channel-wide basis.

Some commentors further argued that the marine sanctuary should institute a moratorium on leasing for oil and gas development throughout the entire area since an oil spill anywhere in the Channel could adversely impact the nearshore Island waters and the other resources of value located throughout the Channel.

Response

Important biological and ecological resources do occur in the Channel beyond the proposed marine sanctuary and the larger marine area is ecologically interrelated and valuable. However, some of these resources are substantially dispersed, and areas beyond the proposed boundary are not generally characterized by intense concentrations of marine mammals and seabirds. In comparison, the use of the nearshore Island waters by seabirds and marine mammals appears to be qualitatively different than their use of other waters of the Channel.

At the same time, development and use levels are higher beyond 6 nm from the Islands. Most of the current and past hydrocarbon development in the Channel is near the mainland. Tankers and freighters travel through the Channel in large numbers. Coastal development, both residential and industrial, results in the discharge of wastes into the Channel and dredging and construction. Other economically important projects, such as the construction of a liquid natural gas terminal at Point Conception, would be encompassed in a larger boundary.

While it is true that some incidents elsewhere in the Channel—a major oil spill, for example—could harm the natural resources of the sanctuary area, the risk of damage from such a spill must be weighed against the costs of the exclusion of oil and gas operations. The economic consequences of prohibiting future oil and gas development in the suggested larger area are substantial. The Santa Barbara Channel is an area of proven offshore oil reserves; the oil and gas industry ranks it as the third most promising area for oil and gas exploration off the U.S. coast. While no economically recoverable reserves have been discovered within 6 nm of the Islands to date, oil production in other portions of the Channel has been occurring since 1896. The oil spill contingency requirements, operating orders, lease stipulations and other restrictions imposed by the Department of the Interior and the California Coastal Commission provide some protection against oil pollution. While these precautions cannot completely forestall the possibility of an oil spill, the distance between most hydrocarbon activities in the Channel and the nearshore Island waters, which the proposed sanctuary buffer guarantees, will provide time for cleanup activities before the oil can reach shore, and will also allow time for the spilled oil to weather and thus lose its most toxic parts before it reaches the nearshore Island waters.

(2) A second group of commentors took a position opposite from those who wanted to expand the sanctuary, maintaining that no sanctuary should be designated, since existing regulatory authorities already provide enough protection for the natural resouces. They felt a marine sanctuary would only add an unnecessary and expensive layer of Federal bureaucracy.

Response

The many Federal and State agencies which exercise authority in the Channel do provide a considerable degree of regulatory protection. However, the extraordinary diversity of natural resources concentrated in the waters around the northern Channel Islands and Santa Barbara Island deserve additional attention beyond that provided by the present institutional structure.

The marine sanctuary program, unlike other programs which have jurisdiction in the area of the proposed sanctuary, includes a mechanism to focus on this particular geographically defined marine area and to provide comprehensive management and planning to preserve the resources of the site. Other statutes either focus on management of much smaller areas, single resources, or have resource protection only as an ancillary goal. Marine sanctuary planning and management also includes provision for research and monitoring of the condition of the resources to assure long-term protection and maximum safe use and enjoyment; other statutes do not provide in most cases the same geographically focused, comprehensive research and monitoring effort. An educational element of the program heightens public awareness of the value of the resources and thereby reduces the potential for harm; again, this aspect of the marine sanctuary program is unavailable under the present system.

Although certain uses of the area do not now seriously threaten resource quality, they could have more significant impact if and when activities increase. The current multitude of regulatory authorities, many of which have different objectives and jurisdictions, may not be able to respond to future activities on the basis of ecosystem issues. Furthermore, some agencies suffer from limited enforcement resources. Because these waters contain so many beneficial uses, the special planning and study possible in a marine sanctuary is necessary to ensure that they are used and preserved in the future as effectively as possible.

(3) The Department of the Interior and the Marine Mammal Commission, questioned excluding fishing as an activity subject to regulation. Representatives of the oil industry felt that it was discriminatory to exclude fishing from possible additional sanctuary regulation while regulating oil and gas activities.

Response

NOAA supports the view that duplicative regulations should be avoided wherever possible. After evaluation, NOAA concluded that the existing authorities specifically manadated to manage fishing, e.g. the California Department of Fish and Game within state waters and the Pacific Fisheries Management Council outside of state waters, should continue management. The interests of these agencies are parallel to the interests of NOAA in managing the Sanctuary, preserving the stocks and their habitats. Therefore, there is no reason to anticipate that the decisions of either agency will differ systematically from those NOAA might make and there is no necessity for NOAA assuming a regulatory role.

Clearly oil and gas activities pose a different type of threat than do fishing activities. Even if the specific operations

(e.g., erecting the necessary structures, depositing drill muds and cuttings) do not cause significant damage, there remains the possibility of a major spill resulting in serious damage and the potential for long-term adverse impacts from chronic pollution by hydrocarbons and drill muds and other disturbance of sensitive habitat. The decisions with respect to oil and gas relate primarily to the degree of risk one is willing to assume. Here it seems reasonable that, over the long-term, as the agency entrusted with the preservation of the Sanctuary, NOAA is likely to accept less risk than many other agencies involved with authority over these activities and thus should assert jurisdiction.

(4) Recreational boating associations and others commented that the regulation on vessel traffic was worded in a confusing manner and could be interpreted as prohibiting recreational and research vessels within 1 nm of the Islands. In addition, the Coast Guard pointed out that the prohibition of certain discharges in section 935.7(a)(1) could have the unintended affect of precluding recreational boating. Unless the language is clarified so that recreational boating is clearly allowed, many felt the sanctuary should not be designated.

Response

The proposed regulation on vessel traffic was somewhat confusing. NOAA never intended to prohibit recreational vessel traffic in the Sanctuary. The prohibition on certain commercial vessel traffic within one nautical mile of the Islands was aimed at tankers, freighters, barges, and OCS supply vessels. Section 935.7(a)(3) was reworded to clarify this intent. The prohibition on discharges also has been rewritten to ensure that recreational boating will not be precluded but that harmful practices will be restricted.

(5) The marine sanctuary should require vessels transiting the Santa Barbara channel to adhere to the Vessel Traffic Separation Scheme (VTSS) established by the U.S. Coast Guard.

Response

Most commercial vessel traffic already adheres to the Coast Guard's designated VTSS in the Channel. In addition, the Coast Guard is conducting a Port Access Route (PAR) study for the California coast, and the Santa Barbara Channel is under careful consideration as part of that study. Under the 1978 amendments to the Ports and Waterways Safety Act, the Coast Guard has the authority to make shipping lanes mandatory and will exercise that power for the entire Santa Barbara Channel if the PAR study indicates that that is the best course of action. NOAA has commented on the Coast Guard's PAR study, and the Coast Guard must take the Channel Islands marine sanctuary into consideration in its decision, as well as the other complicated issues of use, location, and safety of navigation. Since the study is incomplete, it is premature and inadvisable for NOAA to take any action concerning the VTSS.

(6) Several commentors, including the State of California, said that the Sanctuary should prohibit the placement of structures, principally platforms for oil and gas production, in or near the Vessel Traffic Separation Scheme.

Response

The Sanctuary regulations prohibit hydrocarbon activities pursuant to any lease executed after the effective date of the regulations. As to any structure which might be erected pursuant to an existing lease, the Coast Guard is currently conducting a major review of this issue as part of its southern California PAR study. Should the Coast Guard conclude that a prohibition is warranted, it has the authority under the Ports and Waterways Safety Act amendments of 1978 to implement it. The California Coastal Commission presently considers the placement of structures in or within 500 m of a VTSS to be inconsistent with California Coastal Zone Management Program and, based on Coast Guard recommendations, permits granted by the Army Corps of Engineers to date prohibit them inside the sea lanes or within a quarter mile of the sea lane boundaries.

Given the current review of the situation by the Coast Guard, NOAA has determined not to propose Sanctuary regulations at this time. The alternative regulatory approach would be case-by-case review by the Sanctuary of each decision to locate a structure in a VTSS. Given the existence of at least two levels of case-by-case review where environmental concerns are taken into account, institution of another review during the interim appeared inappropriate.

(7) The State of California and one kelp harvester expressed concern that the regulations as proposed might limit or restrict kelp harvesting. Two environmental groups thought that NOAA should consider regulating this activity.

Response

In proposing the Sanctuary, NOAA did not consider kelp harvesting to be one of the activities that was necessary or desirable to regulate. The activity occurs entirely within California waters and is carefully regulated by the State Department of Fish and Game, which has found no evidence of harm from the harvesting of this renewable resource. NOAA's intent has been clarified in Article 5, Section 1 of the Designation and Section 935.7(a)(3) of the regulations.

(8) The Coast Guard and some recreational boaters and commercial fishermen were concerned that Section 935.7(a)(2)(C) prohibiting altering "the seabed in any way" might be interpreted to preclude anchoring and bottom trawling. Exxon commented that anchoring should be "proposed as a regulated activity to protect coral."

Response

No regulation of anchoring is proposed. Because the coral at issue, *Allopora californica*, grows in scattered formations rather than in reefs, it is less likely to be damaged by anchoring than the coral in existing or proposed sanctuaries such as Key Largo and the Flower Gardens Banks. Should NOAA's monitoring programs indicate that there are concentrations of coral that require protection from anchoring, appropriate regulations can be proposed. Section 937.7(a)(2) has been rewritten to clarify that it does not prohibit anchoring and bottom trawling.

(9) The Coast Guard opposed "any action which might set the stage for furture attempts by any other agency to regulate movement of shipping" and therefore advocated precluding such a possibility in the Designation Document except that NOAA could enact a narrow prohibition for commercial vessels within 1 nautical mile of the Islands, provided they were not within a VTSS or PAR designated by the Coast Guard.

Response

NOAA has rewritten the docments concerning the proposed sanctuary to eliminate any conflict with any VTSS or PAR designated by the Coast Guard, as long as the VTSS or PAR lies beyond one nm from the Islands. The Designation Document now specifically exempts navigation within a designated VTSS or PAR from any Sanctuary regulation (see Article 4, Section 1).

The regulations also make it clear that no additional regulation of vessel traffic outside of the 1 nm is proposed at this time. Although no specific need for additional regulation is foreseen, NOAA feels it should retain the option should the need arise.

(10) The Coast Guard, some recreational boaters, and commerical fishing interests were concerned that the

prohibitions on discharges as written might limit boating in the area in ways unanticipated by NOAA.

Response

Section 935.7(a)(1) has been rewritten to include specific exemptions for fish parts, cooling water, marine sanitation devices, engine exhaust, deck wash down, and other effluents incidental to routine vessel use.

(11) One commentor believed that the economic effects of prohibiting oil and gas operations under future leases would be sufficiently severe that NOAA should undertake a regulatory analysis to comply with the President's Executive Order No. 12044.

Response

At the time the notice of proposed rulemaking and draft environmental impact statement were published, it was evident that the economic impacts of the regulations would not be sufficient to require a regulatory analysis. Furthermore, both the costs and benefits of these regulations are somewhat speculative and not easily quantifiable so that the value of a regulatory analysis is marginal at best. Nevertheless, in response to the comment, NOAA contracted for an independent analysis which confirmed that the economic impacts were below all the thresholds for a regulatory analysis and were generally negligible.

The Sanctuary regulations are not expected to have an effect greater than $30 million on the economy as a whole during any one year. Without a Sanctuary, peak oil and gas production would be reached in 1992 when the total effect of the prohibition would amount to $29.96 million. The effects on industry and the relevant geographic region are expected to be $1.5 and $4.7 million respectively during the peak production year. Essentially no impact is expected on consumers, costs or prices, productivity, employment, supplies of goods and services or competition. These estimates are based on a generous estimate of the hydrocarbon reserves available within the Sanctuary—double the only available U.S. Geological Survey (USGS) estimate for a portion of the Sanctuary.

(12) Oil and gas industry representatives disagreed with NOAA's estimate of hydrocarbon resource potential in the proposed Sanctuary and urged that the regulation be abandoned due to the adverse social and economic impacts of restricting oil and gas production in this area.

Response

Although the extent of hydrocarbon resources in the area remains subject to dispute, several facts indicate that restrictions on operations within 6 nm of the Islands will not result in foregoing a significant amount of oil and gas. Estimates of foregone resources relate only to the area from 3 to 6 nm within the Sanctuary because State legislation precludes leasing and operations within the territorial sea, unless Federal operations on adjacent leases threaten to drain basins under State lands. For the unleased area of the Federal Outer Continental Shelf within the Sanctuary, only one official estimate of resources is available. The USGS has projected that 24 tracts located on the mainland side of the Islands offer potential to recover only 5.7 million barrels of oil and 8.9 billion cubic feet of gas. These tracts represent a portion of the Sanctuary but other indications tend to confirm the likelihood of limited resources. First, nineteen tracts in the Sanctuary leased in sales up to 1975 have expired without any development or production activity by the oil and gas industry, even though exploratory drilling had occurred on at least seven of these tracts. Second, industry indicated extremely limited interest in the tracts located within the Sanctuary when these areas, excluding the 24 tracts discussed above, were included in the Call for Nominations for Lease Sale No. 68. Industry expressed no or low interest in 73 percent of the tracts or portions thereof within the Sanctuary which were included in the Call. Third, the existing pattern of hydrocarbon development indicates that the high resource potential areas occur close to the mainland, predominantly in State waters.

Industry commentors stated that finds within the Sanctuary area could range from 40 to 100 million barrels. However, this estimate extrapolates from inconclusive data based on activities on a small number of existing leases in and near the Sanctuary and dismisses both the official USGS estimate and the other indications of limited resources described above. In the light of the conflicting estimates and the ability to modify the regulations in the future, if evidence from exploratory drilling on existing tracts in the Sanctuary and tracts adjacent to the Sanctuary supports such action, the regulation is reasonable and is unlikely to preclude access to significant oil and gas resources.

(13) The California Coastal Commission requested that Section 935.12 (Amendments) of the Proposed Final Regulations, as presented in the FEIS, be deleted.

Response

This Section had two objectives. First, it restated the applicability of the Federal Consistency Provisions of the Coastal Zone Management Act to any significant changes in Sanctuary regulations affecting Federal waters within the Sanctuary. Second, the proposed provisions gave the State flexibility in considering proposed development activities in State waters within the proposed Sanctuary. Since the State comments indicated that the proposed amendments were not necessary to achieve its purposes in protecting State waters and since the first portion of the proposed provision merely restated existing law, proposed Section 935.12 has been deleted.

The Designation Document

The Act and NOAA's general Marine Sanctuary regulations (15 CFR Part 922, 44 FR 44831, July 31, 1979) provide that the regulatory system for a marine sanctuary will be established by two documents, a Designation Document and the regulations issued pursuant to Section 302(f)(2) of the Act. The Designation Document will serve as a constitution for the Sanctuary, establishing among other things the purposes of the Sanctuary, the types of activities that may be subject to regulation within it and the extent to which other regulatory programs will continue to be effective.

As approved by the President on September 21, 1980, the Channel Islands National Marine Sanctuary Designation Document provides as follows:

Final Designation Document

Designation of the Channel Islands National Marine Sanctuary

Preamble

Under the authority of the Marine Protection, Research and Sanctuaries Act of 1972, Pub. L. 92-532, (the Act) the waters surrounding the northern Channel Islands and Santa Barbara Island are hereby designated a Marine Sanctuary for the purposes of preserving and protecting this unique and fragile ecological community.

Article 1. Effect of Designation

Within the area designated as the Channel Islands National Marine Sanctuary (the Sanctuary), described in Article 2, the Act authorizes the promulgation of such regulations as are reasonable and necessary to protect the values of the Sanctuary. Article 4 of this Designation lists those activities which

may require regulation but the listing of any activity does not by itself prohibit or restrict it. Restrictions or prohibitions may be accomplished only through regulation, and additional activities may be regulated only by amending Article 4.

Article 2. Description of the Area

The Sanctuary consists of an area of the waters off the coast of California, of approximately 1252.5 square nautical miles (nm) adjacent to the northern Channel Islands and Santa Barbara Island seaward to a distance of 6 nm. The precise boundaries are defined by regulation.

Article 3. Characteristics of the Area That Give it Particular Value

The Sanctuary is located in an area of upwelling and in a transition zone between the cold waters of the California Current and the warmer Southern California Countercurrent. Consequently, the Sanctuary contains an exceptionally rich and diverse biota, including 30 species of marine mammals and several endangered species of marine mammals and sea birds. The Sanctuary will provide recreational experiences and scientific research opportunities and generally will have special value as an ecological, recreational, and esthetic resource.

Article 4. Scope of Regulation

Section 1. *Activities Subject to Regulation.* In order to protect the distinctive values of the Sanctuary, the following activities may be regulated within the Sanctuary to the extent necessary to ensure the protection and preservation of its marine features and the ecological, recreational, and esthetic value of the area:

a. Hydrocarbon operations

b. Discharging or depositing any substance

c. Dredging or alteration of, or construction on, the seabed

d. Navigation of vessels except fishing vessels or vessels travelling within a Vessel Traffic Separation Scheme or Port Access Route designated by the Coast Guard outside of 1 nm from any island

e. Disturbing marine mammals or birds by overflights below 1000 feet

f. Removing or otherwise deliberately harming cultural or historical resources

Section 2. *Consistency with International Law.* The regulations governing the activities listed in Section 1 of this article will apply to foreign flag vessels and persons not citizens of the United States only to the extent consistent with recognized principles of international law including treaties and international agreements to which the United States is signatory.

Section 3. *Emergency Regulations.* Where essential to prevent immediate, serious and irreversible damage to the ecosystem of the area, activities other than those listed in Section 1 may be regulated within the limits of the Act on an emergency basis for an interim period not to exceed 120 days, during which an appropriate amendment of this article would be proposed in accordance with the procedures specified in Article 6.

Article 5. Relation to Other Regulatory Programs

Section 1. *Fishing.* The regulation of fishing is not authorized under Article 4. However, fishing vessels may be regulated with respect to discharges in accordance with Article 4, Section 1, paragraph (b) and aircraft conducting kelp bed surveys below 1000 feet can be regulated in accordance with Article 4, Section 1, paragraph (e). All regulatory programs pertaining to fishing, including particularly regulations promulgated under the California Fish and Game Code and Fishery Management Plans promulgated under the Fishery Conservation and Management Act of 1976, 16 USC 1801 *et seq.*, shall remain in effect. All permits, licenses and other authorizations issued pursuant thereto shall be valid within the Sanctuary unless authorizing any activity prohibited by any regulation implementing Article 4. Fishing as used in this article and in Article 4 includes kelp harvesting.

Section 2. *Defense Activities.* The regulation of those activities listed in Article 4 shall not prohibit any activity conducted by the Department of Defense that is essential for national defense or because of emergency. Such activities shall be consistent with the regulations to the maximum extent practicable.

Section 3. *Other Programs.* All applicable regulatory programs shall remain in effect and all permits, licenses and other authorizations issued pursuant thereto shall be valid within the Sanctuary unless authorizing any activity prohibited by any regulation implementing Article 4. The Sanctuary regulations shall set forth any necessary certification procedures.

Article 6. Alterations to this Designation

This Designation can be altered only in accordance with the same procedures by which it has been made, including public hearings, consultation with interested Federal and State agencies and the Pacific Regional Fishery Management Council, and approval by the President of the United States.

[End of Designation Document]

Only those activities listed in Article 4 are subject to regulation in the Sanctuary. Before any additional activities may be regulated, the Designation must be amended through the entire designation procedure including public hearings and approval by the President.

Dated: September 26, 1980.

Michael Glazer,

Assistant Administrator for Coastal Zone Management.

Accordingly, Part 935, Title 15, Code of Federal Regulations is added as follows:

PART 935—THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY REGULATIONS

Sec.
935.1 Authority.
935.2 Purpose.
935.3 Boundaries.
935.4 Definitions.
935.5 Allowed activities.
935.6 Hydrocarbon operations.
935.7 Prohibited activities.
935.8 Penalties for commission of prohibited acts.
935.9 Permit procedures and criteria.
935.10 Certification of other permits.
935.11 Appeals of administrative action.

Authority: 16 U.S.C. 1431–1434.

§ 935.1 Authority.

The Sanctuary has been designated pursuant to the authority of Section 302(a) of Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 USC 1431–1434 (the Act). The following regulations are issued pursuant to the authorities of Sections 302(f), 302(g) and 303 of the Act.

§ 935.2 Purpose.

The purpose of designating the Sanctuary is to protect and preserve the extraordinary ecosystem including marine birds and mammals and other natural resources of the waters surrounding the northern Channel Islands and Santa Barbara Island and ensure the continued availability of the area as a research and recreational resource. This area supports a particularly rich and diverse marine biota, partially because it is located in a transition zone between northern and southern waters and partially because it is one of very few areas off the Southern California coast that has been relatively unaltered by human use.

§ 935.3 Boundaries.

The Sanctuary consists of an area of the waters off the coast of California of approximately 1252.5 square nautical

miles adjacent to the following islands and offshore rocks: San Miguel Island, Santa Cruz Island, Santa Rosa Island, Anacapa Island, Santa Barbara Island, Richardson Rock, and Castle Rock extending seaward to a distance of 6 nautical miles (nm). The coordinates are shown in Appendix 1A.

§ 935.4 Definitions.

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(b) "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.

(c) "Person" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government, or any state or local unit of government.

(d) "Islands" means San Miguel Island, Santa Cruz Island, Santa Rosa Island, Anacapa Island, Santa Barbara Island, Richardson Rock, and Castle Rock.

(e) "Vessel" means watercraft of any description capable of being used as a means of transportation on the waters of the Sanctuary.

§ 935.5. Allowed activities.

All activities except those specifically prohibited by Sections 935.6 and 935.7 may be carried on in the Sanctuary subject to all prohibitions, restrictions and conditions imposed by any other authority. Recreational use of the area is encouraged.

§ 935.6. Hydrocarbon operations.

(a) Hydrocarbon exploration, development and production pursuant to any lease executed prior to the effective date of these regulations and the laying of any pipeline is allowed subject to paragraph 935.6(b) and to all prohibitions, restrictions and conditions imposed by applicable regulations, permits, licenses or other authorizations and consistency reviews including those issued by the Department of the Interior, the Coast Guard, the Corps of Engineers, the Environmental Protection Agency and under the California Coastal Management Program and its implementing regulations.

(b) No person may engage in any hydrocarbon operation unless the following oil spill contingency equipment is available at the site of such operation:

(1) 1500 feet of open ocean containment boom and a boat capable of deploying the boom;

(2) One oil skimming device capable of open ocean use; and

(3) Fifteen bales of oil sorbent material.

(c) Hydrocarbon exploration, development and production activities pursuant to leases executed on or after the effective date of these regulations are prohibited.

§ 935.7. Prohibited activities.

(a) Except as may be necessary for the national defense, in accordance with Article 5, Section 2 of the Designation, or as may be necessary to respond to an emergency threatening life, property, or the environment, the following activities are prohibited within the Sanctuary unless permitted by the Assistant Administrator in accordance with Section 935.9. All prohibitions shall be applied consistently with international law.

(1) *Discharge of substances.* No person shall deposit or discharge any materials or substances of any kind except:

(i) Fish or parts and chumming materials (bait);

(ii) Water (including cooling water) and other biodegradable effluents incidental to vessel use of the sanctuary generated by:

(A) marine sanitation devices;

(B) routine vessel maintenance, e.g. deck wash down;

(C) engine exhaust; or

(D) meals on board vessels;

(iii) Effluents incidental to hydrocarbon exploration and exploitation activities as allowed by Section 935.6.

(2) *Alteration of, or construction on, the seabed.* Except in connection with the laying of any pipeline as allowed by Section 935.6, within 2 nautical miles of any Island, no person shall:

(i) Construct any structure other than a navigation aid, or

(ii) Drill through the seabed, or

(iii) Dredge or otherwise alter the seabed in any way, other than

(A) to anchor vessels, or

(B) to bottom trawl from a commercial fishing vessel.

(3) *Commercial vessels operations.* Except to transport persons or supplies to or from an Island, no person shall operate within one nautical mile of an Island any vessel engaged in the trade of carrying cargo, including but not limited to tankers and other bulk carriers and barges, or any vessel engaged in the trade of servicing offshore installations. In no event shall this section be construed to limit access for fishing (including kelp harvesting), recreational, or research vessels.

(4) *Disturbing marine mammals and birds.* No person shall disturb seabirds or marine mammals by flying motorized aircraft at less than 1000 feet over the waters within one nautical mile of any Island except:

(i) for enforcement purposes;

(ii) to engage in keep bed surveys; or

(iii) to transport persons or supplies to or from an Island.

(5) *Removing or damaging historical or cultural resources.* No person shall remove or damage any historical or cultural resource.

(b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to these prohibitions. The exemption of additional activities having significant impact shall be determined in consultation between the Assistant Administrator and the Department of Defense.

(c) The prohibitions in this section are not based on any claim of territoriality and will be applied to foreign persons and vessels only in accordance with recognized principles of international law, including treaties, conventions and other international agreements to which the United States is signatory.

§ 935.8 Penalities for commission of prohibited acts.

(a) Section 303 of the Act authorizes the assessment of a civil penalty of not more than $50,000 against any person subject to the jurisdiction of the United States for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding in rem against any vessel used in violation of any such regulation. Procedures are set out in Subpart D of Part 922 (15 CFR Part 922) of this chapter. Subpart D is applicable to any instance of a violation of these regulations.

§ 935.9 Permit procedures and criteria.

(a) Any person in possession of a valid permit issued by the Assistant Administrator in accordance with this section may conduct any activity in the Sanctuary prohibited under Section 935.7 if such activity is either (1) research related to the resouces of the Sanctuary, (2) to further the educational value of the Sanctuary, or (3) for salvage or recovery operations.

(b) Permit applications shall be addressed to:

Assistant Administrator for Coastal Zone Management
Attn: Sanctuary Programs Office, Division of Operations and Enforcement

National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

An application shall provide sufficient information to enable the Assistant Administrator to make the determination called for in paragraph (c) and shall include a description of all activities proposed, the equipment, methods, and personnel (particularly describing relevant experience) involved and a timetable for completion of the proposed activity. Copies of all other required licenses or permits shall be attached.

(c) In considering whether to grant a permit the Assistant Administrator shall evaluate such matters as (1) the general professional, and financial responsibility of the applicant; (2) the appropriateness of the methods envisioned to the purpose(s) of the activity; (3) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, or as a source of educational or scientific information; (4) the end value of the activity and (5) such other matters as may be deemed appropriate.

(d) In considering any application submitted pursuant to this section, the Assistant Administrator may seek and consider the views of any person or entity, within or outside of the Federal Government, and may hold a public hearing, as deemed appropriate.

(e) The Assistant Administrator may, at his or her discretion, grant a permit which has been applied for pursuant to this section, in whole or in part, and subject to such condition(s) as deemed appropriate. The Assistant Administrator or a designated representative may observe any permitted activity and/or require the submission of one or more reports of the status or progress of such activity. Any information obtained shall be available to the public.

(f) The Assistant Administrator may amend, suspend or revoke a permit granted pursuant to this section, in whole or in part, temporarily or indefinitely, if the permit holder (the Holder) has acted in violation of the terms of the permit or of the applicable regulations. Any such action shall be set forth in writing to the Holder, and shall set forth the reason(s) for the action taken. The Holder may appeal the action as provided for in Section 935.11.

§ 935.10 Certification of other permits.

(a) All permits, licenses and other authorizations issued pursuant to any other authority are hereby certified and shall remain valid if they do not authorize any activity prohibited by Sections 935.6 or 935.7. Any interested person may request that the Assistant Administrator offer an opinion on whether an activity is prohibited by these regulations.

§ 935.11 Appeals of administrative action.

(a) Any interested person (the Appellant) may appeal the granting, denial, or conditioning of any permit under Section 935.9, to the Administrator of NOAA. In order to be considered by the Administrator, such appeal shall be in writing, shall state the action(s) appeal and the reason(s) therefore, and shall be submitted within 30 days of the action(s) by the Assistant Administrator. The Appellant may request an informal hearing on the appeal.

(b) Upon receipt of an appeal authorized by this section, the Administrator will notify the permit applicant, if other than the Appellant, and will request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Administrator will decide the appeal in accordance with the criteria set out in Section 935.9(c) as appropriate, based upon information relative to the application on file at OCZM and any additional information, the summary record kept of any hearing and the Hearing Officer's recommended decision, if any, as provided in paragraph (c), and such other considerations as deemed appropriate. The Administrator will notifiy all interested persons of the decision, and the reason(s) therefor, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for a hearing.

(c) If a hearing is requested or if the Administrator determines that one is appropriate, the Administrator may grant an informal hearing before a Hearing Officer designated for that purpose after first giving notice of the time, place, and subject matter of the hearing in the **Federal Register**. Such hearing shall normally be held no later than 30 days following publication of the notice in the **Federal Register** unless the Hearing Officer extends the time for reasons deemed equitable. The Appellant, the Applicant (if different) and, at the discretion of the Hearing Officer, other interested persons, may appear personally or by counsel at the hearing and submit such material and present such arguments as determined appropriate by the Hearing Officer. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend in writing a decision to the Administrator.

(d) The Administrator may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Administrator will notify interested persons of the decision, and the reason(s) therefor in writing within 30 days of receipt of the recommended decision of the Hearing Officer. The Administrator's action shall constitute final action for the Agency for the purposes of the Administrative Procedures Act.

(e) Any time limit prescribed in this section may be extended for a period not to exceed 30 days by the Administrator for good cause, either upon his or her own motion or upon written request from the Appellant or Applicant stating the reason(s) therefor.

Appendix 1.A.—*Coordinates of the Channel Islands Marine Sanctuary*

	Latitude N	Longitude W
01	33°56'28.959"	119°16'23.800"
02	33°58'03.919"	119°14'56.964"
03	34°01'33.846"	119°14'07.740"
04	34°04'24.203"	119°15'21.308"
05	34°06'06.653"	119°17'27.002"
06	34°06'54.509"	119°19'46.046"
07	34°06'57.988"	119°23'24.905"
08	34°06'51.627"	119°24'04.198"
09	34°07'01.640"	119°25'40.819"
10	34°06'59.904"	119°26'50.959"
11	34°08'02.002"	119°28'47.501"
12	34°08'17.693"	119°29'27.698"
13	34°08'52.234"	119°30'39.562"
14	34°09'16.780"	119°35'22.667"
15	34°09'05.106"	119°36'41.694"
16	34°08'02.782"	119°39'33.421"
17	34°08'46.870"	119°41'48.621"
18	34°09'35.553"	119°45'57.284"
19	34°09'32.627"	119°46'37.335"
20	34°09'33.396"	119°47'32.285"
21	34°09'43.668"	119°48'09.018"
22	34°10'10.616"	119°50'07.659"
23	34°10'21.586"	119°51'05.146"
24	34°10'33.161"	119°53'17.044"
25	34°10'36.545"	119°55'57.373"
26	34°10'21.283"	119°57'26.403"
27	34°08'07.255"	120°01'07.233"
28	34°08'13.144"	120°02'27.930"
29	34°07'47.772"	120°05'05.449"
30	34°07'29.314"	120°06'38.262"
31	34°07'30.691"	120°09'35.238"
32	34°06'36.285"	120°12'39.335"
33	34°06'40.634"	120°13'33.940"
34	34°08'10.759"	120°15'07.017"
35	34°09'12.290"	120°17'07.046"
35A	34°09'50.706"	120°17'31.649"
36	34°10'56.346"	120°18'40.520"
36B	34°11'28.249"	120°19'29.213"
37	34°12'08.078"	120°21'00.835"
37C	34°12'25.468"	120°25'01.261"
38	34°12'18.754"	120°25'39.373"
38D	34°11'33.184"	120°27'33.921"
39	34°12'19.470"	120°30'22.620"
39E	34°12'17.540"	120°32'19.959"
40	34°10'54.592"	120°35'57.887"
40F	34°06'07.461"	120°36'27.883"
41	34°04'53.454"	120°36'16.602"
41G	34°03'30.539"	120°37'39.442"
42	34°01'09.860"	120°35'04.808"
42H	34°00'48.573"	120°34'25.106"
43	33°59'13.122"	120°33'53.385"
44	33°57'01.427"	120°31'54.590"
45	33°55'36.973"	120°27'37.188"
46	33°55'30.037"	120°25'14.587"
47	33°54'50.522"	120°22'29.536"
48	33°55'01.640"	120°19'26.722"
49	33°54'34.409"	120°18'27.344"
50	33°53'23.129"	120°17'39.927"
51	33°50'39.990"	120°16'13.874"
52	33°49'53.260"	120°13'41.904"
53	33°49'03.437"	120°12'06.750"
54	33°48'36.067"	120°11'10.821"

Appendix 1.A.—*Coordinates of the Channel Islands Marine Sanctuary*—Continued

	Latitude N	Longitude W
55	33°47'39.280"	120°07'59.707"
56	33°47'37.617"	120°06'04.002"
57	33°47'59.351"	120°04'08.370"
58	33°48'38.700"	120°02'33.188"
59	33°48'52.167"	120°01'50.244"
60	33°50'28.486"	119°57'50.820"
61	33°50'55.128"	119°55'19.934"
62	33°52'13.338"	119°52'53.439"
63	33°52'04.900"	119°52'10.719"
64	33°51'39.919"	119°47'21.152"
65	33°51'48.592"	119°46'13.213"
66	33°51'35.798"	119°44'34.589"
67	33°51'44.374"	119°41'12.738"
68	33°52'23.857"	119°39'14.708"
69	33°53'09.365"	119°37'30.784"
70	33°53'12.754"	119°35'35.793"
71	33°53'17.114"	119°34'54.567"
72	33°53'38.865"	119°32'51.578"
73	33°54'02.277"	119°31'06.274"
74	33°54'56.444"	119°28'54.052"
75	33°54'39.349"	119°27'37.512"
76	33°54'15.236"	119°25'23.779"
77	33°54'07.847"	119°24'22.849"
78	33°54'04.682"	119°22'58.006"
79	33°54'14.311"	119°21'44.573"
80	33°54'22.824"	119°21'09.003"
81	33°54'46.904"	119°19'54.677"
82	33°55'05.834"	119°19'16.027"
83	33°28'56.904"	119°10'04.092"
84	33°26'32.364"	119°10'01.328"
85	33°24'19.904"	119°08'52.236"
86	33°23'26.019"	119°07'54.826"
87	33°22'04.836"	119°05'16.716"
88	33°21'49.387"	119°04'01.551"
89	33°21'44.594"	119°02'49.887"
90	33°21'49.556"	119°01'37.839"
91	33°22'07.538"	118°59'49.357"
92	33°22'27.774"	118°58'51.623"
93	33°22'47.957"	118°58'07.633"
94	33°23'20.805"	118°57'14.375"
95	33°24'18.458"	118°56'08.450"
96	33°26'24.130"	118°54'51.352"
97	33°29'02.820"	118°54'22.276"
98	33°31'27.917"	118°54'50.367"
99	33°32'17.935"	118°55'18.396"
100	33°35'10.090"	118°59'40.0910"
101	33°35'24.575"	119°01'22.1081"
102	33°35'06.497"	119°03'59.4632"
103	33°34'48.322"	119°05'03.3743"

[FR Doc. 80-30703 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-08-M

International Trade Administration

15 CFR Parts 370, 372, 375 and 386

Amendments to the Export Administration Regulations To Clarify the Applicability of the Qualified General License

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

ACTION: Final rule.

SUMMARY: On July 8, 1980, regulations establishing a "Qualified General License" at § 373.4 of CFR Title 15 were announced in the **Federal Register** (45 FR 45894). The notice establishing the Qualified General License (QGL) did not include all changes to the *Export Administration Regulations* which were necessary to clarify the effects of this newly-established license. This notice is issued to clarify the effects of the QGL by inserting references to it in appropriate places throughout the Regulations.

EFFECTIVE DATE OF ACTION: October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore these regulations are issued in final form. Although there is no formal comment period, public comments on the regulations are welcome on a continuing basis.

Accordingly, the Export Administration Regulations (15 CFR Part 368 *et seq.*) are amended as follows:

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

§ 370.2 [Amended]

1. Section 370.2 is amended by inserting a new definition, "Qualified General License," between the definition of "Purchaser" and that of "Reexport" as follows:

* * * * *

Qualified General License (§ 373.4) A special license authorizing multiple exports of certain commodities for approved end-uses to approved consignees in countries in the P, Q, W, and Y Country Groups for a period of one year. The consignees must be actual or prospective end-users of the licensed commodity.

* * * * *

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

2. Section 372.2(b)(4) is revised to read as follows:

§ 372.2 Types of Validated Licenses.

* * * * *

(b) * * *

(4) A "Qualified General License (QGL)" (§ 373.4) authorizes the multiple export of certain commodities to approved consignees in Country Groups P, Q, W, and Y for a period of one year. The validity period of this license may be extended once for up to an additional two years. The consignees must be actual or prospective users of the licensed commodity.

* * * * *

3. Section 372.11 (e)(2)(ii), (e)(6), and (g)(3)(iii) are revised to read as follows:

§ 372.11 Amending Export Licenses.

* * * * *

(e) * * *

(2) * * *

(ii) To add one or more new consignees to an outstanding Project License, Distribution License, or Qualified General License; or

* * * * *

(6) *Extension of the validity period* of the license, except for an export license authorized under the emergency clearance provisions of § 372.4(h); a Distribution License (see § 373.3(k)); a Qualified General License (see § 373.4(g)); or a Service Supply License (see § 373.7(n)).

* * * * *

(g) * * *

(3) * * *

(iii) Amendment or extension of a Project License, Distribution License, Qualified General License, or Service Supply License.

* * * * *

PART 375—DOCUMENTATION REQUIREMENTS

4. Section 375.3(d)(7) is revised to read as follows:

§ 375.3 International import certificate and delivery verification certificate.

* * * * *

(d) * * *

(7) a license application for a Project License (§ 373.2), Distribution License (§ 373.3), Qualified General License (§ 373.4), Service Supply License (§ 373.7); or supported by Form ITA-686, Statement by Foreign Importer of Aircraft or Vessel Repair Parts (§ 373.8).

* * * * *

PART 386—EXPORT CLEARANCE

5. Section 386.2 is amended by adding the following footnote to the title of paragraph (d):

§ 386.2 Use of validated license.

* * * * *

(d) Records of validated license shipments—Entries on reverse side of license.[3]

* * * * *

[Secs. 4, 5, 13, 15, and 21, Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 *et seq.*, Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980); and, International Trade Administration Organization and Function Order 41–4 (effective August 26, 1980)]

Kent N. Knowles,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 80–30729 Filed 10–1–80; 8:45 am]

BILLING CODE 3510–25–M

[3]The requirement that shipments be recorded on the reverse side of a validated export license does not apply to exports made under a Project License (§ 373.2), a Distribution License, (§ 373.3), a Qualified General License (§ 373.4), or a Service Supply License (§ 373.7).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79–14]

Incremental Pricing Acquisition Cost Thresholds Under Title II of the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order prescribing Incremental Pricing Thresholds.

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

EFFECTIVE DATE: October 1, 1980.

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

Order of the Director, OPPR

Issued: September 26, 1980.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of October 1980, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—*Incremental Pricing Acquisition Cost Threshold Prices*

	Jan.	Feb.	March	Apr.	May	June	July	Aug.	Sept.	Oct.
Incremental pricing threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849
NGPA section 102 threshold.	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588
NGPA section 109 threshold.	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915
130 pct of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400

[FR Doc. 80–30677 Filed 10–1–80; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 144

[CGD 79–165b]

Lifesaving Appliances; Editorial Amendment

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This document revises the provisions in the Artificial Islands and Fixed Offshore Structures Regulations that allow automatic electric water lights meeting 46 CFR Subpart 161.001 to be used with life floats and ring life buoys. These amendments are necessary to reflect the revocation of the approval specification for these items. The lights may still be used if maintained in good condition. These revisions are not substantive and have a minimal effect on industry and the public.

EFFECTIVE DATE: These revisions are effective October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Frank K. Thompson, Merchant Marine Technical Division (G–MMT/12), Room 1216, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593 (202) 426–2174.

SUPPLEMENTARY INFORMATION: Since this document only makes editorial amendments to the regulations, the Coast Guard has determined under 5 U.S.C. 553 that the requirements for notice and comment do not apply and that the amendment may be made effective in less than 30 days after publication in the **Federal Register.**

Drafting Information

The principal persons involved in drafting these rules are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety and Lieutenant George J. Jordan, Project Attorney, Office of the Chief Counsel.

Discussion

Subpart 161.001 of Title 46, Code of Federal Regulations has been revoked by the rulemaking action, CGD 79–165a, which appears elsewhere in this issue of the **Federal Register.** The background and reasons for those revocations are discussed in the preamble to that document.

Because of the revocation of 46 CFR Subpart 161.001, it is necessary to revise the life float and ring life buoy requirements of 33 CFR Part 144. Under these revised regulations, water lights on Artificial Islands, Fixed Offshore Structures, must meet 46 CFR Part 161.010; however, water lights that were previously approved under the revoked subparts may be retained in use as long as they are maintained in good condition. These revisions do not, therefore, substantively change the requirements of the affected regulations and their effect on the public and industry is negligible.

Regulatory Analysis/Final Evaluation

This is an nonsignificant regulatory action for which a Regulatory Analysis is not required. Because its expected impact is so minimal, a full evaluation is not warranted under paragraph 10e of

the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

In consideration of the foregoing, Part 144 of Title 33, Code of Federal Regulations, is amended as follows:

PART 144—LIFESAVING APPLIANCES

1. By revising § 144.01-10(b) to read as follows:

§ 144.01-10 Equipment for life floats.

* * * * *

(b) Each life float must have a water light of an approved automatic electric type constructed in accordance with 46 CFR Subpart 161.010, except a water light constructed in accordance with former 46 CFR Subpart 161.001 that was installed before January 1, 1972, may be retained in an existing installation as long as it is maintained in good condition. The water light must be attached to the life float by a 12-thread manila or equivalent synthetic lanyard not less than 2 meters (6 feet) nor more than 4 meters (12 feet) in length. The water light must be mounted on a bracket so that when the life float is launched, the water light will pull free of the bracket.

* * * * *

2. In § 144.01-25, by revising paragraph (b) to read as follows:

§ 144.01-25 Ring life buoys.

* * * * *

(b) Each ring life buoy must have a water light of an approved automatic electric type constructed in accordance with 46 CFR Subpart 161.010. A water light constructed in accordance with former 46 CFR Subpart 161.001 that was installed before January 1, 1972 may be retained in an existing installation as long as it is maintained in good condition. The water light must be attached to the ring life buoy by a 12-thread manila or equivalent synthetic lanyard not less than 1 meter (3 feet) nor more than 2 meters (6 feet) in length. The water light must be mounted on a bracket near the ring life buoy so that when the ring life buoy is cast loose, the water light will pull free of the bracket.

* * * * *

(43 U.S.C. 1333(e); 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: September 25, 1980.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 80-30072 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD11-80-10; Order No. 3-80]

Safety Zone—San Pedro Bay, Los Angeles, Calif.

September 24, 1980.

AGENCY: Coast Guard, DOT.

ACTION: Interim Rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes a safety zone in San Pedro Bay. This safety zone is established to protect recreational boaters and commercial shipping during construction of the landfill site for the Los Angeles Harbor Main Channel dredging project.

EFFECTIVE DATE: This amendment is effective 24 September 1980 and will remain in effect until rock dike construction for the landfill is completed.

ADDRESS: Comments should be submitted to and will be available for examination at the Office of the Coast Guard Captain of the Port Los Angeles-Long Beach, 165 N. Pico Ave., Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Lt. N. S. Porter, Assistant Port Operations Officer at telephone No. (213) 590-2315.

SUPPLEMENTARY INFORMATION: Dredging of the Los Angeles Harbor Main Channel is scheduled to begin in early 1981. Prior to commencement of the dredging project, a landfill site will be developed in the Los Angeles Outer Harbor. This development is scheduled to begin in mid September 1980 and will involve the construction of a rock dike to contain the dredged spoils. The work will involve a large amount of floating equipment and numerous submerged obstacles which will imperil the safety of boaters and commercial shipping. Rock dike construction is expected to last for one year and the safety zone will remain in effect until the Captain of the Port Los Angeles-Long Beach determines that the public is no longer endangered. The southerly and easterly sides of the safety zone will be clearly delineated by white buoys displaying the orange diamond cross daymark. A series of mooring buoys for use by construction equipment will be placed in B-1 and B-2 anchorages. They will be in a line parallel to and about 150 yards south of the southern boundary of the safety zone. The effect of these moorings buoys will be to preclude the use of these two anchorages. Additionally, the safety zone will impinge on a portion of B-1 anchorage and thereby limit its use.

Due to the recent date of contract award and the rapidly approaching start-up date, the normal rulemaking process for the safety zone is not feasible; thus an interim final rule is being utilized. Use of an interim final rule temporarily establishes a rule and allows interested persons to submit comments on the rulemaking prior to its adoption as a final rule. Interested persons are invited to comment on this interim rule prior to 15 November 1980. All comments received prior to that date will be considered before issuance of this regulation as a final rule. The final rule may be changed based on the comments submitted. No public hearing is scheduled but one may be held if it is requested in writing by a person raising a genuine issue and desiring to comment orally at a public forum. The time and place of any such hearing will be announced in the **Federal Register**.

Drafting Information: The principal persons involved in the drafting of this rulemaking are: CDR L. A. ONSTAD, Project Officer, and LT N. S. PORTER, Assistant Port Operations Officer, c/o Captain of the Port Los Angeles-Long Beach, 165 N. Pico Ave., Long Beach, CA 90802. The project attorney is CDR R. N. ROUSSEL, c/o Commander, Eleventh Coast Guard District (dl), 400 Oceangate, Long Beach, CA 90822.

In consideration of the above, Part 165 of Title 33 of the Code of Federal Regulations is amended by adding a new § 165.1108 to read as follows:

§ 165.1108 San Pedro Bay, Los Angeles, California.

(a) The area enclosed by the following boundary is a safety zone—the waters of San Pedro Bay enclosed by a line beginning at Fish Harbor Channel Light 4 (latitude 33-43-51.0N, longitude 118-15-50.0W); thence southeasterly to latitude 33-43-43.5N, longitude 118-15-45.8W; thence northeasterly to latitude 33-44-03.6N, longitude 118-14-36.4W; thence northwesterly to latitude 33-44-43.8N, longitude 118-14-56.0W; thence southwesterly along the Terminal Island shoreline to the beginning point.

(b) No vessel may enter or remain in the safety zone except: (1) vessels engaged in the construction of the landfill site for the Los Angeles Harbor dredging project; (2) vessels operated by or under contract to the U.S. Army Corps of Engineers or the City of Los Angeles; and (3) any other vessels specifically authorized to be in the zone by the Captain of the Port Los Angeles-Long Beach.

Note.—The southerly and easterly sides of the safety zone will be clearly marked by white buoys displaying the orange diamond cross daymark.

(86 Stat 427 (33 USC 1225); 49 CFR 1.46(n)(4))

Dated: September 23, 1980.

J. H. Guest,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach.

[FR Doc. 80-30680 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1594-1]

Approval and Promulgation of Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is clarifying application of the construction moratorium with regard to newly designated nonattainment areas. After an area has been designated nonattainment, states will have twelve months in which to submit a plan. If the state has not submitted a plan, or if the plan has not been approved or conditionally approved within eighteen months of designation, then the moratorium will go into effect in that area.

DATES: This rule is effective on or before November 3, 1980.

FOR FURTHER INFORMATION CONTACT: Darryl Tyler, Chief, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711 (919) 541-5425.

SUPPLEMENTARY INFORMATION: Section 110(a)(2)(I) of the Clean Air Act provides that a moratorium on construction of major stationary sources of air pollution shall be imposed in each area whose air quality is designated as worse than the national ambient air quality standards (NAAQS) and where after June 30, 1979 there is no approved plan in place to attain and maintain NAAQS in that nonattainment area which meets the requirements of Part D of the Act. The moratorium is to be imposed only on those sources which emit in major amounts the pollutant for which the area is designated nonattainment. On July 2, 1979, EPA implemented the construction moratorium by promulgating it into regulatory form. *See* 44 FR 38471-73.

On May 13, 1980, EPA announced rules concerning the geographic applicability of the construction moratorium. 45 FR 31307-311. In the preamable to that notice, EPA stated that when an area has been newly designated as nonattainment, the Offset Ruling will be in effect in that area until EPA approves the state's Part D plan for that area, or for 15 months, whichever is shorter. EPA further announced that it would invoke the construction moratorium after 15 months if the state submitted a plan but EPA had not yet approved it, or after 9 months if the state failed to submit a plan at all. 45 FR 31310 n. 5.

EPA has reevaluated this policy, and has decided to promulgate it formally in a somewhat modified form. The Clean Air Act Amendments of 1977 provided the states approximately twelve months in which to submit revisions to State Implementation Plans (SIPs) pursuant to Part D (Section 129(c)). They further required states to submit by January 1, 1979 Part D plans for areas originally designated nonattainment,[1] and invoked the construction moratorium on July 1, 1979 if those plans had not been approved (Sections 129(c), 110(a)(2)(I)). Accordingly, EPA believes that Congress intended to give the states an additional six-month period of time between the date Part D plans were due and imposition of the moratorium. For this reason, EPA will impose the moratorium only after eighteen months have passed after an area is newly designated attainment, if the state does not then have an approved Part D plan in place.

EPA recognizes that Section 110(a)(2)(I) can be read to impose the moratorium immediately upon an area being newly designated nonattainment. However, such a result seems overly stringent. Congress did not impose the moratorium when the 1977 Amendments were passed, but gave the states time to design an appropriate plan. To protect air quality, Congress provided that the Offset Ruling would remain in effect while the state plans were being designed. EPA's policy for newly designated nonattainment areas is meant to track this Congressional approach.

EPA finds good cause not to provide for public comment, because this policy represents EPA's interpretation of the Act, clarifies use of the construction moratorium, and does not represent a major departure from current agency practice.

[1] The original nonattainment designations were promulgated March 3, 1978 (43 FR 8692) and modified in the fall of 1978 and the spring of 1979. *See* 43 FR 40412 (September 11, (1978); 43 FR 40502 (September 12, 1978); 43 FR 45993 (October 5, 1978); 44 FR 5119 (January 25, 1979); 44 FR 16388 (March 19, 1979).

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

(Sec. 110(a)(2)(I), 301(a), Clean Air Act, (42 U.S.C. 7410(a)(2)(I), 7601(a)))

Dated: September 26, 1980.

Douglas M. Costle,

Administrator.

40 CFR 52.24 is amended by adding a new paragraph (k) to read as follows:

§ 52.24 Statutory Restriction on New Stationary Sources.

* * * * *

(k) For an area designated as nonattainment after July 1, 1979, the restrictions in paragraphs (a) and (b) of this section shall not apply prior to eighteen months after the date the area is designated as nonattainment. The Offset Ruling shall govern permits to construct and operate applied for during the period between the date of designation as nonattainment and either the date the Part D plan is approved or the date the restrictions in paragraphs (a) and (b) of this section apply, whichever is earlier.

[FR Doc. 80-30717 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1622-1; PP9F2134/PP9F2246/R270]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N-(1-Ethylpropyl)-3,4-Dimethyl-2,6-Dinitrobenzenamine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the herbicide pendimethalin(*N*-(1-ethylpropyl)-3,4-, dimethyl-2,6-dinitrobenzenamine) and its metabolites (4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodities potatoes and sorghum (fodder, forage, and grain) at 0.1 part per million (ppm). This rule was requested by American Cyanamid Co. This regulation will establish the maximum permissible level for residues of pendimethalin in or on potatoes and

sorghum (fodder, forage, and grain) at 0.1 ppm.

EFFECTIVE DATE: Effective on October 2, 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, Environmenal 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 June 25, 1980 (45 FR 49600) that American Cyanamid Co., PO Box 400, Princeton, NJ 08540 had filed pesticide petitions PP 9F2134 and PP 9F2246. These petitions proposed to amend 40 CFR 180.361 by establishing tolerances for the combined residues of the herbicide pendimethalin(*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine) and its metabolite (4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on potatoes and sorghum (fodder, forage, and grain) at 0.1 ppm. No comments or request for referral to an advisory committee were received by the agency concerning this notice of proposed rulemaking. The data submitted in the petitions and other relevant material have been evaluated. The nature of the residues of the herbicide in plants and animals is adequately understood. Residues are not likely to occur in eggs, milk, meat, fat or meat byproducts of livestock from these uses, therefore 40 CFR 180.6 (a)(3) applies. The pesticide is considered useful for the purpose for which the tolerances are sought. There are no other considerations in establishment of these tolerances and it has been determined that the tolerances will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may on or before November 3, 1980, file written objections with the Hearing Clerk, EPA, Rm M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in 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 and the grounds for the objections. 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 2, 1980.

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

Dated: September 18, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting the following raw agricultural commodities in the table under § 180.361 to read as follows:

§ 180.361 N-(l-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine; tolerances for residues.

* * * * *

Commodities	Part per million
* * * * *	
Potatoes	0.1
* * * * *	
Sorghum, fodder	0.1
Sorghum, forage	0.1
Sorghum, grain	0.1
* * * * *	

[FR Doc. 80-30714 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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

[Procurement Regulation Directive 80-6; Dated July 31, 1980]

Regulatory Coverage and New Contract "Disputes" Clause

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document is NASA implementation of the Policy Letter No. 80-3, dated April 29, 1980, issued by the Office of Federal Procurement Policy (OFPP) (FR 31035, May 9, 1980), which provided applicable regulatory coverage for contract disputes and a new contract "Disputes" clause.

EFFECTIVE DATE: October 2, 1980.

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

SUPPLEMENTARY INFORMATION: The "Disputes" clause previously incorporated into the NASA Procurement Regulation by NASA Procurement Regulation Directive 79-6, dated July 1979 (FR 43740, June 30, 1980), expanded the contractor's obligation to continue performance to include disputes arising out of, or in breach of, the contract as well as under the contract. The new "Disputes" clause published in OFPP Policy Letter No. 80-3 and this Directive returns the situation to where the contractor is obligated to continue performance only if the dispute arises under the contract. However, it is recognized that in unusual circumstances the performance of some contracts may be vital to the national security or to the public health and welfare so that performance must be guaranteed even in the event of a dispute arising out of, or in breach of, the contract. Such cases are accommodated by permitting procurement offices to modify the "Disputes" clause, when appropriate.

Parts affected by this Directive:

a. Part 1.116 has been deleted. "Fraudulent Claims" is now addressed in Part 1.314-8.

b. Parts 1.314 and 7.103-12 have been revised to conform to OFPP Policy Letter No. 80-3, dated April 29, 1980.

c. Part 1.333 is deleted. Payment of interest on contractor claims is now addressed under Parts 1.314-7 and 7.103-12.

d. Part 2.406-4 is deleted. Mistake-in-bids disclosed after award is now addressed under Part 1.314-3(c), which provides that the contracting officer may make the mistake-in-bid determination and to recognize that any resulting disagreement falls under the "Disputes" clause.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

L. E. Hopkins,

Deputy Director of Procurement.

PART 1—GENERAL PROVISIONS

1. Part 1, Table of Contents, 1.314 through 1.314-4 are revised, 1.314-5 through 1.314-8 are added and the page number for paragraph 1.315 is revised, to read as follows:

* * * * *

1.314 Contract disputes 1-3:17
1.314-1 General 1-3:17
1.314-2 Definitions 1-3:17
1.314-3 Applicability 1-3:17
1.314-4 Initiation of a Claim 1-3:18

1.314-5 Contractor Certification of Claims Over $50,000 ..... 1-3:18
1.314-6 Contracting Officer's Decision 1-3:18
1.314-7 Payment of Interest on Contractor's Claims 1-3:18B
1.314-8 Referral of Suspected Fraudulent Claims 1-3:18B
1.315 Jewel Bearings and Related Items 1-3:18B

* * * * *

1.333 [Removed]

2. In Part 1, Table of Contents, the title in 1.333 is deleted and marked "Reserved."

1.116 [Deleted]

3. In Part 1, 1.116 in its entirely is deleted.

4. In Part 1, 1.314 through 1.314-4 are revised and 1.314-5 through 1.314-8 are added to read as follows:

1.314 Contract Disputes.

1.314-1 General.

(a) The Contract Disputes Act of 1978 (P.L. 95-563, 41 U.S.C. 601-613) establishes procedures and requirements for asserting and resolving claims by or against contractors relating to a contract subject to the Act. In addition, the Act provides for the payment of interest on contractor claims, for the certification of contract claims in excess of $50,000, and a civil penalty for contractor claims that are fraudulent or based on a misrepresentation of fact.

(b) It is the Government's policy consistent with the Act, to try to resolve all contractual issues by mutual agreement at the contracting officer's level. Without litigation. Implementation of this policy depends on an open mind regarding such issues and the adequacy of the supporting information provided by the contractor or the Government. In appropriate circumstances, before issuance of a contracting officer's decision on a claim, the parties should consider conducting, to the extent feasible informal discussions between individuals who have not participated substantially in the matter in dispute, in an effort to resolve differences by mutual agreement.

(c) The contracting officer is authorized (within any specific limitations in his/her warrant) to decide or settle all claims except as noted in 1.314-3(b).

1.314-2 Definitions.

"Claim' as used herein, means a written demand by one of the contracting parties seeking, as a matter of right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or related to the contact. However, a written demand by the contractor seeking the payment of money in excess of $50,000 is not a claim until certified as required by paragraph (d) of the Disputes clause. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently disputed either as to liability or amount or not acted upon within a reasonable time, it may be converted to a claim under the Act by complying with the submission and certification requirement of the Disputes clause.

1.314-3 Applicability

This paragraph 1.314 applies to all contracts except as provided in (a) through (c) below:

(a) *Exceptions to Use of Disputes Clause.* The Disputes clause in 7.103-12 is prescribed for use in all contracts covered by this Regulation, except:

(i) contracts with a foreign government or agency thereof, or with an international organization or subsidiary body thereof, if the NASA Administrator determines that application of the Contract Disputes Act to the contract would not be in public the interest; or

(ii) where continued performance is vital to national security, the public health and welfare, critical/major agency programs, or other essential supplies or services whose timely reprocurement from other sources would be impracticable. In such cases, procurement offices shall insert the alternate paragraph (h) provided for the Disputes clause (see 7.103-12).

(b) *Exceptions to Applicability of Disputes Clause Procedures.* The procedures and remedies in the Disputes clause and this paragraph 1.314 do not apply to:

(i) any claim or dispute for penalties or forfeitures prescribed by statute or regulation which another Federal agency is specifically authorized to administer, settle, or determine, or

(ii)suspected fraudlent claims. (See 1.314-8)

(c) *Mistakes Disclosed After Award.*

(i) Requests for relief under Public Law 85-804 are not considered to be claims within the Contract Disputes Act of 1978 or the Disputes clause, and shall continue to be processed under Part 17 of this Regulation. However, certain kinds of relief available under Public Law 85-804 have not been within the contracting officer's authority, such as rescission or reformation for mutual mistake. Such relief is now within the contracting officer's authority under the Act and the Disputes clause. In case of doubt, the contracting officer should obtain legal advice as to authority to settle or decide specific types of claims.

(ii) A contractor's allegation that it is entitled to rescission or reformation of its contract to correct or mitigate the effect of a mistake disclosed after award shall be treated as a claim under the Contract Disputes Act. The contracting officer may reform or rescind a contract if the contractor would be entitled to such remedy or relief under the law of Federal contracts. However, the contracting officer shall not reform a contract to increase the price if the contract price, as corrected, would exceed that of the next lowest acceptable bid under the original invitation for bids. The contracting officer shall make a written decision under 1.315-6 either granting or denying relief in whole or in part.

(iii) Any portion of a claim that is denied under (ii) above may be cognizable as a request for relief under P.L 85-804 and Part 17.

1.314-4 Initiation of a Claim.

(a) Contractor claims under the Act shall be made in writing and submitted to the contracting officer for a decision, and (b) claims by the Government against a contractor shall be the subject of a contracting officer decision.

1.314-5 Contractor Certification of Claims Over $50,000.

For contractor claims of more than $50,000, the contractor shall submit with the claim a certification stating that the claim is made in good faith; the supporting data are accurate and complete to the best of the contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. The certification shall be executed by the contractor if an individual. When the contractor is not an individual, the certification shall be executed by a senior company official in charge at the contractor's plant or location involved, or by an officer or general partner of the contractor having overall responsibility for the conduct of the contractor's affairs. In determining when the dollar thresholds requiring claim certification are met the aggregate amount of both the increased and decreased costs shall be used. (See examples in 3.807-3(b)(ii).)

1.314-6 Contracting Officer's Decision.

(a) When a claim by or against a contractor cannot be satisfied or settled by agreement and a decision on the claim is necessary, the contracting officer shall:

(i) review the facts pertinent to the claims;

(ii) secure assistance from legal and other advisors; and

(iii) coordinate with the contract administration office or procurement office, when appropriate.

(b) The contracting officer shall furnish a copy of the decision to the contractor, by certified mail, return receipt requested, or any other method that provides evidence of receipt, and shall include in the decision:

(i) a paragraph substantially as follows:

This is the final decision of the Contracting Officer pursuant to the Disputes clause. This decision may be appealed by mailing or otherwise furnishing written notice thereof to the NASA Board of Contract Appeals. Code NC-9. Room 6057, 4th and Maryland Avenue, SW, Washington, DC 20546. Within ninety days from the date you receive this decision. A copy thereof shall be furnished to the Contracting Officer from whose decision the appeal is taken. The notice shall indicate that an appeal is intended, should reference this decision, and identify the contract by number. For appeals under this clause you may, solely at your election, proceed under the NASA Board of Contract Appeals' small claims procedure for claims $10,000 or less or their accelerated procedure for claims $50,000 or less. In lieu of appealing to the NASA Board of Contract Appeals, you may bring an action directly in the U.S. Court of Claims within twelve months of the date you receive this decision.

(ii) a description of the claim or dispute;

(iii) a reference to pertinent contract provisions;

(iv) a statement of the factual areas of agreement or disagreement; and

(v) a statement of the contracting officer's decision, with supporting rationale;

(c) The contracting officer shall issue the decision within the following statutory time limitations;

(i) for claims not exceeding $50,000: sixty days after receipt of the claim and a written request from the contractor that a decision be rendered within that period; or

(ii) for certified claims exceeding $50,000; sixty days after receipt of claim; provided, however, if a decision is not issued within sixty days the contracting officer shall notify the contractor of the time within which the contracting officer will make the decision. The reasonableness of this period will depend on the size and complexity of the claim and the adequacy of the contractor's supporting data and any other relevant factors.

(d) The amount determined payable pursuant to the decision, less any portion already paid, normally should be paid without awaiting contractor action concerning appeal. Such payment shall be without prejudice to the rights of either party.

1.314-7 Payment of Interest on Contractor's Claims.

The Government shall pay interest on a contractor claim on the amount found due and unpaid, from the date the contracting officer receives the claim or from the date payment otherwise would be due, if such date is later, until the date payment is made, at the rate or rates fixed by the Secretary of the Treasury pursuant to the Renogotiation Act, Public Law 92-41.

1.314-8. Referral of Suspected Fraudulent Claims.

If a contractor is unable to support any part of its claim and there is evidence that such inability is attributable to misrepresentation of fact or fraud on the part of the contractor . . . the contracting officer shall report the matter to the Office of Inspector General (Code W). The contracting officer shall also send notice of suspected fraudulent contract claims to the attention of the Office of General Counsel (Code G).

1.333 [Removed]

5. In Part 1, 1.333 is deleted and the paragraph is marked "Reserved."

1.705-5 [Amended]

6. In Part 1, 1.705-5(c)(1)(I)(i) is revised by deleting next to the last sentence. Subparagraph (i) reads as follows:

* * * * *

(c) * * *

(1) * * *

(I) * * *

(i) Prepare Standard Form 26 for use by the SBA with the SBA's contractor. The Standard Form 26 shall show "15 U.S.C. 637(a)" in Block 13 and contain all of the information required with the exception of the following, which will be inserted by the SBA:

(a) Block 1, the SBA contract number;

(b) Block 2, the effective date;

(c) Block 24, the signature of the SBA's contractor;

(d) Block 25, the SBA contactor's date;

(e) Block 27, the signature of the SBA's contracting officer;

(f) Block 28, the name of the SBA's contracting officer; and

(g) Block 29, the date signed.

Where a fixed-price type contract is utilized, the contract shall incorporate the general provisions of Standard Form 32, including NASA Form 250 (for Fixed-Price Supply or Services), and NASA Form 247 (for Fixed-Price Research and Development), and other appropriate provisions as required, recognizing that this contract will be executed between the SBA and the SBA's contractor. Where a cost-reimbursement type contract is utilized, the contract shall incorporate the general provisions of NASA Form 418 (for Cost-Reimbursement Supply), and NASA Form 417 (for Cost-Reimbursement Research and Development), and other appropriate provisions as required, again recognizing that this contract will be executed between the SBA and the SBA's contractor. The contract set prepared as shown herein will be provided to the SBA at the time of distribution of the contract set prepared in accordance with (ii) below.

* * * * *

7. In Part 1, 1.705-5(c)(1)(K), the reference at the end of the first sentence "Part 50" is amended to read "Part 20."

8. In Part 1, 1.705-5(c)(2)(H)(i) is revised by deleting next to the last sentence. Subparagraph (i) reads as follows:

* * * * *

(c) * * *

(2) * * *

(H) * * *

(i) prepare appropriate contractual documents for use by the SBA with the SBA's contractor. These documents shall be completed, except for signatures and award information (see 1.705-5(c)(1)(I)(i)), based on information requested or furnished by the SBA. This contract shall incorporate the mandatory general provisions and standard forms as required.

* * * * *

PART 2—PROCUREMENT BY FORMAL ADVERTISING

9. In Part 2, Table of Contents, 2.406-4 is deleted and the page numbers for paragraphs 2.407 through 2.407-3 are revised to read as follows:

* * * * *

2.407 Award.....2-4:7
2.407-1 General.....2-4:7
2.407-2 Responsible Bidder.....2-4:8
2.407-3 Discounts.....2-4:8

* * * * *

2.406-4 [Deleted]

10. In Part 2, 2.406-4 in its entirety is deleted.

PART 7—CONTRACT CLAUSES

11. In Part 7, Table of Contents, 7.607-8 is deleted and marked "Reserved."

12. In Part 7, the text in 7.103–12 is revised to read as follows:

7.103–12 Disputes.

Disputes (June 1980)

(a) This contact is subject to the Contract Disputes Act of 1978 (41 U.S.C. 601–613).

(b) Except as specified in 1.314–3(b) of the NASA Procurement Regulation, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(i) "Claim" as used herein, means a written demand by one of the contracting parties seeking, as a matter of right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract. However, a written demand by the Contractor seeking the payment of money in excess of $50,000 is not a claim until certified as required by paragraph (d) of this clause.

(ii) A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently disputed either as to liability or amount or not acted upon within a reasonable time, it may be converted to a claim under the Act by complying with the submission and certification requirements of this clause.

(iii) Contractor claims shall be made in writing and submitted to the Contracting Officer for a decision. Government claims against the Contractor shall be decided by the Contracting Officer.

(d) For Contractor claims of more than $50,000, the Contractor shall submit with the claim a certification stating that the claim is made in good faith; the supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable. The certificate shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must, if requested in writing by the contractor, render a decision within 60 days after receipt of the request. For Contractor certified claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) Interest on the amount found due on a Contractor claim shall be paid from the date the Contracting Officer receives the claim, or from the date payment otherwise would be due, if such date is later, until the date of payment.

(h) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal or action arising under the contract, and comply with any decision of the Contracting Officer.

The following paragraph shall be substituted for paragraph (h) of the clause above as required under the circumstances described in 1.314–3(a)(ii).

(h) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal or action arising under or related to the contract, and comply with any decision of the Contracting Officer.

7.607–18 [Removed]

13. In Part 7, 7.607–18 is deleted and marked "Reserved."

[FR Doc. 80–30569 Filed 10–1–80; 8:45 am]

BILLING CODE 7510–01–M

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41 CFR Ch. 18, Part 7 and Appendix E

[Procurement Regulation Directive 80–5; Dated May 13, 1980]

Revisions to "Progress Payments" and "Allowable Cost, Fee and Payment" Clauses

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). Changes are made to the NASA Progress Payments clauses at Part 7.104–35 and the Allowable Cost, Fee and Payment clauses at Part 7.203–4. These changes preclude payments more frequently than bi-weekly and provide for payments for materials and subcontracts (except for materials taken from the contractor's stores inventory) on the basis of actual disbursements rather than costs incurred. These changes bring NASA policy on the frequency and basis for payments more in line with that adopted by Department of Defense and other Federal agencies and Departments.

EFFECTIVE DATE: October 2, 1980.

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

SUPPLEMENTARY INFORMATION: The Allowable Cost, Fee and Payment clauses exempt small business concerns from these new requirements. The Progress Payments clauses have been revised to provide a separate clause for use in contracts with small business. This separate clause replaces the Short Form clause previously authorized. It establishes 85% as the standard progress payment rate for small business and differs from the clause applicable to large business by permitting payments for materials and subcontracts on a cost incurred basis.

Related editorial changes to NASA Procurement Regulation Appendix E also are included, mainly to correct cross references.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

L. E. Hopkins,

Deputy Director of Procurement.

PART 7—CONTRACT CLAUSES

1. In Part 7, Table of Contents, the page numbers for paragraphs 7.104–29 through 7.104–40 are amended to read as follows:

* * * * *

7.104–29 through 7.104–34 [Reserved] 7–1:11
7.104–35 Progress Payments 7–1:11
7.104–36 Preference for United States-Flag Vessels 7–1:14F
7.104–37 [Reserved] 7–1:14F
7.104–38 Labor Surplus Area Subcontracting Program 7–1:14F
7.104–39 [Reserved] 7–1:14F
7.104–40 Competition in Subcontracting 7–1:14G

* * * * *

2. In Part 7, 7.104–35 is revised to read as follows:

7.104–35 Progress payments.

The policies and procedures set forth in Subpart 5 of Appendix E concerning the use of progress payments shall be followed by procurement offices. The provisions to be included in the invitation for bids and the "Progress Payments" clause authorized for use pursuant to Subpart 5 of Appendix E are authorized for use in accordance with the instructions contained therein. The clause contained in (a) below shall be used in contracts with other than small business concerns. The clause contained in (b) below shall be used in contracts with small business concerns.

(a) Progress Payments Clause for other than Small Business Concerns.

Progress Payments for Other Than Small Business Concerns (May 1980)

Progress payments shall be made to the Contractor when requested as work progresses, but not more frequently than biweekly, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts*

(1) Unless a smaller amount is requested, each progress payment shall be (i) eighty percent (80%) of the amount of the Contractor's total costs which, except as provided herein with respect to costs of pension, profit sharing and employee stock ownership plan contributions, shall include only those recorded costs which result, at the time of the request, from payment made by

cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct in-house costs, and for properly allocable and allowable indirect costs, all as shown by records maintained by the Contractor for purposes of obtaining payment under Government contracts plus (ii) the amount of progress payment which have been paid to Contractor's subcontractors and other divisions as provided in (j) below; all less the sum of previous progress payments. With respect to costs of pension profit sharing, and employee stock ownership plan contributions, when these contributions are paid by the Contractor to the pension, profit sharing, or employee stock ownership plan funds less frequently than quarterly, accruals of the costs of these contributions shall be excluded from the Contractor's total costs for progress payment purposes until such costs are paid. If pension, profit sharing, and employee stock ownership plan contributions are paid on a quarterly or more frequent basis, accruals of cost of these contributions may be included in the Contractor's total costs for progress payment purposes *provided* these contributions are paid to the pension, profit sharing, and employee stock ownership plan funds within thirty (30) days after the close of the period covered by the payment. If payments are not made to the pension, profit sharing, and employee stock ownership plan funds within such thirty (30) day period, these costs shall be excluded from the Contractor's total costs for progress payment purposes until payment therefor has been made.

(2) The Contractor's total costs ((a)(1)(i)) shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments of amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 80 percent of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in item (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 80 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed 80 percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 80 percent of the gross amount invoiced, whichever is less. *(*For lower percentages of this paragraph (b) and for (a)(3)(ii) and (a)(4), see E.512-2.)* Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

(c) *Reduction or Suspension.* The Contracting Office may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a)(1).

(d) *Title.* Immediately upon the date of this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; special test equipment and other special tooling to which the Government is to acquire title pursuant to any other provision of this contract; nondurable (i.e., noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids title to which is not obtained as special tooling pursuant to this paragraph; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocated or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocated or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to, and accepted by the Government under this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) *Risk of Loss.* Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) *Control of Costs and Property.* The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) *Reports—Access to Records.* Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify his books, records and accounts.

(h) *Special Provisions Regarding Default.* If this contract is terminated pursuant to the clause entitled "Default," (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled

"Default," title shall vest in the Contractor upon full liquidation of progress payments, and Government shall be liable for no payment except as provided by the "Default" clause.

(i) *Reservations of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of his obligations under this contract, nor constitute a waiver of any of the rights and, remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

(j) *Progress Payments to Subcontractors.*

(1) The amounts mentioned in item (a)(1)(ii) above shall be all progress payments paid by the Contractor to his subcontractors or other divisions and remaining unliquidated when under subcontracts or interdivisional orders which conform to (2) below.

(2) Subcontractors or interdivisional orders on which progress payments to subcontractors or other divisions may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time," between the beginning of work and the first delivery, approximating four months or more for small business concerns and six months or more for firms which are not small business concerns, and in which the provisions regarding progress payments (i) are substantially similar to and as favorable to the Government as this "Progress Payment" clause, no more favorable to the subcontractor or the other division than this clause is to the Contractor and on a basis of not more than eighty percent (80%) of total costs (except that in the case of those subcontractors which are small business concerns a "Progress Payment" clause substantially similar to 7.104–35(b) may be used); and (ii) make all rights of the subcontractor with respect to all property to which the Government has title under the subcontractor subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to him hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

(4) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to offer and provide progress payments to those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraph 503 of Appendix E of the NASA Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as handicap or adverse factor in the award of subcontracts.

(b) Progress Payments Clause for Small Business Concerns.

Progress Payments for Small Business Concerns (May 1980)

Progress payments shall be made to the Contractor when requested as work progresses, but not more frequently than biweekly, in amounts approved by the Contracting Officer under the following terms and conditions.

(a) *Computation of Amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) eighty-five percent (85%) of the amount of the Contractor's total costs incurred under this contract, except as provided herein with respect to costs of pension contribution, plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments. With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accruals of the costs of these pension contributions shall be excluded from Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals of the costs of these pension contributions may be included in Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within thirty (30) days after the close of the period covered by the payment. If payments are not made to the fund within such thirty-day period, pension contribution costs shall be excluded from Contractor's total costs for progress payment purposes until payment therefor has been made.

(2) The Contractor's total costs (a)(1)(i) shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) eighty-five percent (85%) of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in item (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 85 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed eighty-five percent (85%) of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or eighty-five percent* (85%) of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

(c) *Reduction or Suspension.* The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a)(1).

(d) *Title.* Immediately, upon the date of this contract, title to all parts; material; inventories; work in process; special tooling as defined in this clause of this contract entitled "Special Tooling;" special test equipment and other special tooling to which the Government is to acquire title pursuant to any other provision of this contract; nondurable (*i.e.*, noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing

*For lower percentages for this paragraph (b) and for (a)(3)(ii) and (a)(4), see E. 512–1.

aids title to which is not obtained as special tooling pursuant to this paragraph; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocable or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocable or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to, and accepted by the Government under this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) *Risk of Loss.* Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) *Control of Costs and Property.* The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) *Reports-Access to Records.* Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, an other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify his books, records and accounts.

(h) *Special Provisions Regarding Default.* If this contract is terminated pursuant to the clause entitled "Default," (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled "Default," title shall vest in the Contractor upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

(i) *Reservations of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of his obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

(j) *Progress Payments to Subcontractors.* (1) The amount mentioned in item (a)(1)(ii) above shall be the sum of (i) all the progress payments made by the Contractor to his subcontractors and remaining unliquidated, and (ii) unpaid billings for progress payments to subcontractors which have been approved for current payment in the ordinary course of business, when under subcontracts which conform to (2) below.

(2) Subcontracts on which progress payments to subcontractors may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time," between the beginning of work and the first delivery, approximating four months or more for small business concerns and six months or more for firms which are not small business concerns, and in which the provisions regarding progress payments (i) are substantially similar to and as favorable to the Government as this "Progress Payments" clause, no more favorable to the subcontractor than this clause is to the Contractor and on a basis of not more than 85 percent of total costs (except that for those subcontractors that are not small business concerns a "Progress Payments" clause substantially similar to 7.104–35(a) will be used with a percentage of not more than 80 percent) and (ii) make all rights of the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to him hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

(4) The billings described in (j)(i)(ii) above shall be paid promptly by the Contractor in the ordinary course of business, not later than a reasonable time after payment of equivalent amounts by the Government to the Contractor.

(5) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to offer and provide progress payments to those subcontractors which are small business concerns, in conformity with standards for customary progress payments stated in paragraph 503 of Appendix E of the NASA Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

3. In Part 7, 7.203–4 is revised to read as follows:

7.203–4 Allowable Cost, Fee and Payment.

(a) *Allowable Cost, Fixed Fee and Payment.* Insert the following clause in all cost-reimbursement type contracts, except as provided in paragraph (b). Additional instructions for use of the clause are set forth in paragraph (c) below.

Allowable cost. Fixed Fee and Payment (May 1980)

(a) For the performance of this contract, the Government shall pay to the Contractor:

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) such fixed fees, if any, as may be provided for in the schedule.

(b) Payments shall be made to the Contractor when requested as work progresses, but not more frequently than bi-weekly, in amounts approved by the Contracting Officer. The Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, and invoice or public voucher

supported by a statement of cost for the performance of this contract and claimed to constitute allowable cost. For this purpose, except as provided herein with respect to pension, deferred profit sharing, and employee stock ownership plan contributions, the term "*costs*" shall include only those recorded costs which result, at the time of the request for reimbursement, from payment by cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not deliquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct inhouse costs, and for properly alloçable and allowable indirect costs, as is shown by records maintained by the Contractor for purposes of obtaining reimbursement under Government contracts plus the amount of progress payments which have been paid to Contractor's subcontractors under similar cost standards. In addition, when the aforementioned contributions are paid by the Contractor to the pension, profit sharing, or employee stock ownership plan funds less frequently than quarterly, accrued costs therefore shall be excluded from indirect costs for payment purposes until such costs are paid. If such contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes *provided* that they are paid to the fund within thirty (30) days after the close of the period covered. If payments are not made to the fund within such thirty-day period, these contributions shall be excluded from indirect cost for payment purposes until payment has been made. (*See NASA Procurement Regulation 15.205-6(f)*). The restriction on payment more frequently than bi-weekly and the requirement of prior payment for items or services purchased directly for the contract shall not apply where the Contractor is a small business concern.

(c) Promptly after receipt of each invoice or voucher the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule; *provided*, however, that after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total fixed fee or one hundred thousand dollars ($100,000), whichever is less.

(d) At any time or times prior to final payment under this contract the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(i) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; *provided*, that such claims are not known to the Contractor on the date of the execution of the release; and *provided further*, that the Contractor gives notice ef such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier:

(C) claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one-year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

(b) *Allowable Cost, Incentive Fee, and Payment.* When the contract provides for incentives which may result in the revision of the fee, the clause set forth below will be used, except in cost-plus-award-fee type contracts. Additional instructions for use of the clause are set forth in paragraph (c) below.

Allowable Cost, Incentive Fee, and Payment (May 1980)

(a) (1) For the performance of this contract, the Government shall pay to the Contractor—

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) a fee determined as provided in this contract.

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the term—

(i) "target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below: and

(ii) "target fee" means the fee which was initially negotiated on the assumption that this contract would be performed and delivered as stipulated in the Schedule, for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below.

(b) Payments shall be made to the Contractor when requested as work progresses, but not more frequently than bi-weekly, in amounts approved by the Contracting Officer. The Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost for the performance of this contract and claimed to constitute allowable cost. For this purpose, except as provided herein with respect to pension, profit sharing, and employee stock ownerhip plan contributions, the term "*costs*" shall include only those recorded costs which

result, at the time of the request for reimbursement, from payment by cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct inhouse costs, and for properly allocable and allowable indirect costs, as is shown by records maintained by the Contractor for purposes of obtaining reimbursement under Government contracts plus the amount of progress payments which have been paid to Contractor's subcontractors under similar cost standards. In addition, when the aforementioned contributions are paid by the Contractor to the pension, profit sharing, or employee stock ownership plan funds less frequently than quarterly accrued costs therefor shall be excluded from indirect costs for payment purposes until such costs are paid. If such contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes *provided* that they are paid to the fund within thirty (30) days after the close of the period covered. If payments are not made to the fund within such thirty-day period, these contributions shall be excluded from indirect cost for payment purposes until payment has been made. (See NASA Procurement Regulation 15.205-6(f)). The restriction on payment more frequently than bi-weekly and the requirement of prior payment for items or services purchased directly for the contract shall not apply where the Contractor is a small business concern.

Appendix E—Contract Finance

3. In Appendix E, Table of Contents, the page numbers for paragraphs E.504-5, E.506 and E.511.3 through E.514 are revised to read as follows:

E.504 Formal Advertising and Small Business Restricted Advertising.....E-5:3

* * * * *

E.504-5 Nonresponsive Bids—Uninvited Progress Payment Conditions.....E-5:5

* * * * *

E.506 Unusual Progress Payment—Standards—Procedure.....E-5:6

* * * * *

E.511-3 Uniform Standard Percentages—Small Business Concerns—Paragraphs (a) and (b) of Clause.....E-5:7

E.511-4 Percentages for Paragraphs (a)(3)(ii) and (a)(4) of Clause—Contracts With Negotiated Profit Rate.....E-5:7

E.511-5 Unusual Percentages.....E-5:7

E.511-6 Other Protective Provisions.....E-5:7

E-512 Progress Payment Liquidation.....E-5:8

E.512-1 Ordinary Method.....E-5:8

E.512-2 Alternate Method—Contracts With Negotiated Profit Rate.....E-5:8

E.512-3 Liquidation Percentages.....E-5:9

E.513 (Reserved).....E-5:9

E.514 Progress Payments on Subcontracts Under Cost-Reimbursement Types of Prime Contracts.....E-5:9

4. In Appendix E, E.504-5 is revised to read as follows:

E. 504-4 Notice to Bidders.

Those invitations for bids that make provision for progress payments (E. 504-1) should contain substantially the following notice to bidders:

Progress Payments*

The need for progress payments conforming to regulations (Appendix E. NASA Procurement Regulation) will not be considered as a handicap or adverse factor in the award of contracts. Authorized progress payments will not be a factor for evaluation of bids. The appropriate "Progress Payment" clause attached hereto will be included in the contract awarded in the manner herein provided, however, the clause shall be inoperative during the time the contractor's accounting system and controls are determined by the Government to be inadequate for segregation and accumulation of contract costs. For Small Business concerns the clause designated "Progress Payments for Small Business Concerns" (7.104-35(b)) shall be used for such Contractors. For Contractors who are not Small Business concerns, the clause designated "Progress Payments for Other Than Small Business Concerns" (7.104-35(a)) shall be used.

5. In Appendix E, the first sentence in E.511-3 is revised to read as follows:

E.511-3 Uniform Standard Percentages—Small Business Concerns—Paragraphs (a) and (b) of Clause.

For new contracts entered into with small business concerns on or after April 1. 1968 (E. 503-2), except as provided in E.511-4 and E.511-5, a figure of 85 percent is stated in paragraphs (a)(1)(i), (a)(3)(i), (a)(3)(ii), (a)(4) and (b) of the clause in 7.104-35(b). * * *

6. In Appendix E, E.511-4 is revised to read as follows:

E.511-4 Percentages for Paragraphs (a)(3)(ii) and (a)(4) of Clause—Contracts With Negotiated Profit Rate.

For all new contracts entered into on or after April 1, 1968 (E. 503-2), involving cost analysis (see 3.807-1(a) and 3.807-2(b)) and a negotiated profit rate, percentages lower than those prescribed by E.511-2 and E.511-3 shall be specified in paragraphs (a)(3)(ii) and (a)(4) of the clauses in 7.104-35 if a lower percentage is specified in paragraph (b) of the clause. For these contracts, the percentage to be specified in paragraphs (a)(3)(ii) and (a)(4) of the clause shall be exactly the same as the percentage used in paragraph (b) of the clause, as fixed pursuant to E.512-2.

7. In Appendix E, the first sentence in E.511-5 is revised to read as follows:

E.511-5 Unusual percentages.

For unusual progress payments (E.505), the percentage used for paragraph (a)(1)(i) of the clauses in 7.104-35 will also be specified in (a)(3)(i). * * *

8. In Appendix E, E.511-6 is revised to read as follows:

E.511-6 Other protective provisions.

When deemed reasonably necessary for the protection of the Government, the clauses set forth in 7.104-35 may be supplemented by additional protective provisions, such as personal or corporate guarantees, subordinations or standbys of indebtedness, special bank accounts, and other protective covenants. When first article approval is required, additional protective provisions may be useful and reasonably necessary. These will be as deemed suitable to the circumstances, in the discretion of the contracting officer. By way of example, these additional protective provisions may recite that until first article approval there shall be no progress payments, or that the aggregate of progress payments shall be limited to a stated amount, or to a stated percentage (less than the percentage used in paragraph (a)(3) of the clauses in 7.104-35) of the contract price.

9. In Appendix E, E.512, E512-1 and E.512-2 are revised to read as follows:

E.512 Progress payment liquidation.

Controlling principles for liquidation of progress payments based on costs, and for specification of a percentage in paragraph (b) of the clauses (7.104-35 (a) and (b)) are set out below.

E.512-1 Ordinary method.

See E.511-2 and E.511-3. The percentages specified by E.511-2 and E.511-3 for paragraph (b) of the Progress Payment clauses (7.104-35) represent the ordinary method for liquidation of progress payments, i.e., the percentage for progress payments stated in (a)(1)(i) of the clause will also be the percentage for liquidation stated in (b) of the clause.

E.512-2 Alternate method—Contracts with negotiated profit rate.

(a) See E.511-4. The ordinary method for liquidation of progress payments (E.512-1) will not apply if, at the inception of a contract (on the basis of satisfactory cost estimates) or thereafter by amendment (based on satisfactory data on cost experience and estimated future costs) the parties shall agree on a

*Do not use the last sentence of this notice for procurements mentioned in E.504-2 and E.504-3.

percentage rate of liquidation which will (i) effect liquidation of the amount of progress payments involved in each invoice from which liquidation of progress payments is to be made (i.e., recovery of the portion of costs for which progress payments have been made), (ii) permit payment to the contractor of not more than the cost of items delivered and accepted (less allocable progress payments) and his earned profit on those items, and (iii) insure that unliquidated progress payments will not exceed the amount permitted by paragraph (a)(3) of the Progress Payment clause of the contract (7.104–35 (a) or (b)).

(b) For the purposes of E.512–2(a), the profit rate to be used for setting a liquidation rate at contract inception will be (i) the initial negotiated profit rate for firm fixed-price contracts and contracts subject to price redetermination, and (ii) the initial negotiated target profit rate for contracts subject to incentive price revision. For the setting of liquidation rates lower than progress payment rates on contracts subject to incentive price revision, the contract price is the target price, not the ceiling price, and estimated costs are the target costs.

(c) Consistent with E.512–2(a), contracts may be amended to increase or decrease progress payment liquidation rates. If profit rates on contracts subject to price redetermination or to incentive price revision are changed by contract modification, appropriate harmonizing changes to conform to E.512–2(a) will be made at the time of such modification in the stated percentage for future progress payment liquidation. Liquidation percentage rates less than those described by E.512.–1 will not be established initially or by amendment except on the basis of satisfactory cost data and estimates furnished by the contractor. Except as done incident to modification of a profit rate on contracts subject to price redetermination or to incentive price revision, above, contracts may be amended to reduce the progress payment liquidation rate not more frequently than once in each period of twelve months. When a progress payment liquidation rate is changed by contract amendment, appropriate conforming changes will be made in (a)(3)(ii) and (a)(4) of the progress payment clause of the contract, so that the new percentage specified in paragraph (b) of the progress payment clause will also be specified in paragraphs (a)(3)(ii) and (a)(4) of that clause.

(d) To support amendments reducing liquidation rates, there must be submission of satisfactory information by the contractor showing separately (i) the cost of any items that have been delivered, accepted and invoiced, (ii) the cost of work not delivered, accepted and invoiced, (iii) the estimated costs of completion, and (iv) for items that have not been delivered, accepted and invoiced, and applicable profit that is higher than the amount of profit permitted to be released by application of the progress payment liquidation percentage then specified in the contract. These amendments reducing liquidation rates will be for application only to billings for items thereafter to be delivered, and will not adjust for past delivery billings and associated progress payment liquidations.

[FR Doc. 80-30570 Filed 10-01-80; 8:45 am]
BILLING CODE 7510-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5908]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register**.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Alabama	Jefferson	City of Gardendale	Nov. 21, 1980.
Alabama	Jefferson	City of Graysville	Nov. 21, 1980.
Kansas	Saline	City of Gypsum	Nov. 25, 1980.
Utah	Utah	City of American Fork	Nov. 25, 1980.
New Jersey	Monmouth	Borough of South Belmar	Nov. 28, 1980.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Federal Insurance Administrator)

Issued: September 18, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-30733 Filed 10-1-80; 8:45 am]
BILLING CODE 6718-03-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1000, 1061 and 1067

Index and Applicability of CSA Regulations

Note.—This document originally appeared in the **Federal Register** for Wednesday, October 1, 1980. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Community Service Administration.

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 II							
			TITLE VII	221	222(a)	230	231	232	234	TITLE IV
	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 VII	TITLE II 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 VII	TITLE II 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
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45 CFR Parts: 1062, 1067

Board and Committees of Title II Programs

Note.—This document originally appeared in the **Federal Register** for Wednesday, October 1, 1980. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Community Service Administration.

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

Note.—This document originally appeared in the **Federal Register** for Wednesday, October 1, 1980. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Community Service Administration.

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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A. Basic Considerations
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[Circular No. A-122]

Attachment A [Reserved]

Attachment B

Selected Items of Cost

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3. Bid and proposal costs (reserved)
4. Bonding costs
5. Communications costs
6. Compensation for personal services
7. Contingency provisions
8. Contributions
9. Depreciation and use allowances
10. Donations
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21. Losses on other awards
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48. Training and education costs
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50. Travel costs

[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 soley 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

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. 1

[CGD 80-123]

Approval of Incorporation by Reference Material and Editorial Changes

Note: This document originally appeared in the **Federal Register** for Tuesday, September 30, 1980. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Department of Transportation.

AGENCY: Coast Guard, DOT.

ACTION: Editorial changes.

SUMMARY: This document announces editorial and format changes to Title 46, Chapter 1, of the Code of Federal Regulations made necessary by new publication procedures required by the Office of the **Federal Register**. These procedures are intended to make it easier for the public to identify incorporated material and to ensure that only material currently enforced by an agency is incorporated by reference.

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

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

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

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

Incorporation by Reference

On March 28, 1979, the Office of the Federal Register established new procedures that agencies must follow to continue the Director's approval of material previously incorporated by reference (44 FR 18630, 1 CFR 51.13).

These procedures require all agencies who wish to continue the Director's approval of material previously incorporated by reference to reapply for that approval. Furthermore, to assure that the system is kept up-to-date after material is approved, each agency is required to submit annually to the Director a list identifying all incorporated material enforced by the agency and the date of its last revision. To accommodate these procedures, editorial changes are being made throughout Chapter 1, of Title 46, Code of Federal Regulations. Incorporation by reference in the text of a regulation will be cited without reference to volume numbers or dates. The specific edition of the material incorporated by reference will be contained in the Table of Incorporated by Reference which will appear at the end of Title 46, Chapter 1.

The current Table of Incorporation by Reference for Title 46 CFR, Chapter 1, is printed in Part III of this issue of the **Federal Register**. (See **Federal Register** of September 30, 1980).

Miscellaneous Editorial Amendments

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

During 1979 Coast Guard Headquarters moved from the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 to the U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington D.C. 20593. In connection with this change a new zip code was assigned. The new zip code, 20593, is being inserted throughout Chapter 1 of Title 46, Code of Federal Regulations.

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

Dated: September 24, 1980.

W. E. Caldwell,

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

[FR Doc. 80–30056 Filed 9–29–80; 8:45 am]

BILLING CODE 4910–14–M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 830

Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

AGENCY: National Transportation Safety Board.

ACTION: Final rule, correction.

SUMMARY: This action corrects the list of National Transportation Safety Board field offices published at 45 FR 59894, September 11, 1980, that must be notified by an operator in the event of an aircraft accident or incident and overdue aircraft. The Washington, D.C., field office of the National Transportation Safety Board has been closed and should therefore be deleted from the list of field offices. The Atlanta, Ga., field office was inadvertently omitted from the listing and should therefore be added to the list.

EFFECTIVE DATE: September 11, 1980.

FOR FURTHER INFORMATION CONTACT: John M. Stuhldreher, General Counsel, National Transportation Safety Board, 800 Independence, S.W., Washington, D.C. 20594 (202–472–6033).

SUPPLEMENTARY INFORMATION: Accordingly, and pursuant to the authority delegated to me, in column 2, page 59895, footnote 1 of Part 830 of Title 49, Chapter VIII, Code of Federal Regulations, is corrected to read as follows:

[1] The National Transportation Safety Board field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Atlanta, Ga.; Chicago, Ill.; Denver Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Seattle, Wash.

(Sec. 304 of the Independent Safety Board Act of 1974, 49 U.S.C. 1903)

Signed at Washington, D.C., on September 29, 1980.

John M. Stuhldreher,

General Counsel.

[FR Doc. 80–30702 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–58–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1486]

Delaware & Hudson Railway Co. Authorized To Operate Over Tracks of Consolidated Rail Corporation.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1486.

SUMMARY: This order authorizes the Delaware and Hudson Railway (D&H) Company to operate over the lines of Consolidated Rail Corporation (CR) between Binghamton, New York, and Scranton, Pennsylvania, due to the rapidly deteriorating condition of its own line between those points. D&H will continue, however, to provide local service on its line. An application for acquisition and operation of the CR line has been filed with the Commission.

EFFECTIVE DATE: 12:01 a.m., September 27, 1980, and continuing in effect until 11:59 p.m., January 31, 1981, unless modified amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

Decided September 26, 1980.

The line of the Delaware and Hudson Railway Company (D&H) between Binghamton, New York, and Scranton, Pennsylvania, has deteriorated to such a level that with the onset of winter weather conditions, it is feared the line will be inoperable. Further, the D&H estimates the cost of rehabilitation of

the line to be over $7 million. The D&H has entered into a sales agreement with Consolidated Rail Corporation (CR) whereby the D&H proposed to purchase CR's line between Binghamton, New York, and Scranton, Pennsylvania, for approximately one-third the cost of rehabilitating its own line. D&H asserts that further economics would be realized through fuel savings due to fewer grades, and faster operations, all of which would impact favorably on D&H's rapidly declining financial situation.

On September 22, 1980, the D&H filed an application for authority to acquire and operate the CR line and reiterated a request for temporary authority to operate the line during the pendency of the Commission's deliberations.

It is the opinion of the Commission that an emergency exists requiring the operation of D&H trains over tracks of CR in the interest of the public; that notice and public procedure 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,

§ 1033.1487 Service Order No. 1486.

(a) *Delaware and Hudson Railway Company authorized to operate over tracks of Consolidated Rail Corporation—Authorization.* The Delaware and Hudson Railway Company (D&H) is authorized to operate over tracks of Consolidated Rail Corporation (CR) between Binghamton, New York, and Scranton, Pennsylvania, as described in their sales agreement entered September 8, 1980.

(b) *Application.* The provisons of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* The rates applicable to traffic moved via this line shall be the same as the rate for traffic moved via the D&H line. Rates on traffic moved to and from local points on the CR line shall be the applicable CR rate.

(d) Nothing herein shall be considered a prejudgment of the application by D&H for acquisition and operation of this line.

(e) *Effective date.* This order shall become effective at 12:01 a.m., September 27, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under the 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. 80-30611 Filed 10-1-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

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 certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting of migratory game birds will be permitted on portions of certain National Wildlife Refuges in Arizona, California, and New Mexico.

DATES: Effective October 2, 1980 from September 1, 1980 through January 31, 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, AZ 85017. Telephone: 602–241–2487.

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, CA 92225. Telephone: 714–922–2129.

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, CA 92363. Telephone: 714–326–3853.

Gerald E. Duncan, Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, AZ 85364. Telephone: 602–783–3400.

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, NM 87801. Telephone: 505–835–1828.

LeMoyne B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, NM 88201. Telephone: 505–622–6755.

John H. Kiger, Jr., Refuge Manager, Sevilleta National Wildlife Refuge, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, NM 67801. Telephone: 505–835–1828.

SUPPLEMENTARY INFORMATION:

General

Hunting of migratory game birds 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 available at the above addresses. Vehicular travel is restricted to designated roads and trails.

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

The recreational use authorized by these regulations will not interfere with the primary purpose 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.

§ 32.12 Special regulations; migratory game birds for individual wildlife refuge areas.

Listed migratory game bird species may be hunted on the following refuges:

Arizona and California

Cibola National Wildlife Refuge. Ducks, coots and gallinules, October 10, 1980 through November 5, 1980 and November 14, 1980 through January 18,

1981. Geese, November 14, 1980 through January 4, 1981.

Special Conditions:

(1) Up to two dogs per hunter are permitted for the purpose of hunting and retrieving game.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or with 250 yards of any farm worker or within 50 yards of any road or levee.

(3) Vehicles may not be driven onto or across any farm field.

(4) Pits or permanent blinds may not be constructed.

(5) Neither hunters nor dogs may enter closed areas to retrieve game.

(6) Only shotguns permitted for taking ducks, geese, coots and gallinules; however, no shot larger than "BB" may be in hunter's possession.

(7) Decoys of 36 inch dimensions or less are permitted.

(8) Special Use Permits are required for all hunting guides. These permits can be obtained from refuge headquarters in Blythe, California.

(9) Migratory game birds can be attracted by means of artificial bird decoys and/or mouth or hand operated calls only.

Havasu National Wildlife Refuge. Ducks, geese, coots, gallinules and Wilson's snipe.

Public hunting of ducks, geese, coots, gallinules and Wilson's snipe on the Havasu National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots, and gallinules from October 10 through November 5, 1980, and November 14, 1980 through January 18, 1981; geese from November 14, 1980, through January 4, 1981; Wilson's snipe, October 10, 1980 through January 18, 1981, but only on the areas designated by signs as open to hunting. These open areas, comprising 13,200 acres, are delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, gallinules and Wilson's snipe subject to the following special conditions:

Special Conditions:

(1) Hunting on the Pintail Slough Management Unit will be permitted only on Fridays, Saturdays and Sundays. This unit includes all refuge land north of the north dike and west of Arizona Highway 95.

(2) Only shotguns permitted—limited to 10 gauge or smaller.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(4) Unloaded firearms (dismantled or cased) may be transported through the closed area over established routes.

(5) Neither hunters nor dogs may enter closed area to retrieve game.

(6) Only two dogs per hunter are permitted for hunting and retrieving migratory game birds.

(7) Pits/permanent blinds prohibited.

(8) Entrance to Pintail Slough hunt area permitted only from the designated parking areas.

(9) Firearms are prohibited on observation towers.

(10) Decoys must be removed at the end of each day.

Imperial National Wildlife Refuge. Duck, coots and gallinules, from October 20, 1980 through January 18, 1981 and geese from November 10, 1980 through January 4, 1981.

Special conditions: The construction or use of permanent blinds or pits is prohibited.

New Mexico

Bitter Lake National Wildlife Refuge. Ducks, geese, coots, common (Wilson's) snipe and lesser sandhill cranes.

Special conditions:

(1) Steel (iron) shot shotgun ammunition only may be used for taking ducks, geese, coots, snipe, or sandhill cranes on the south refuge unit (area C). Further, it is not permissible to have shotgun ammunition other than steel shotshells in possession in Area C during the waterfowl season.

(2) Up to two dogs per hunter are permitted for the purpose of hunting and retrieving game.

(3) Neither hunters nor dogs may enter areas closed to hunting to retrieve game.

(4) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt.

Bosque del Apache National Wildlife Refuge. Snow, blue and Ross's geese.

Special conditions:

(1) Refuge hunting days will be November 22 through 26, 1980; December 13 through 18, 1980; and December 31, 1980 through January 4, 1981. Shooting hours will be from sunrise until 10:00 a.m. local time.

(2) For each day's hunt, each hunter will be limited to ten (10) steel (iron) shot shotshells. It will be illegal to possess any shells other than the ten (10) steel shotshells within the goose hunt area.

(3) Hunters will be required to apply by pre-season application for hunting dates. Applications are available from the New Mexico Department of Game and Fish, Albuquerque, Bosque del Apache National Wildlife Refuge; Area Office, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, Arizona 85017; and Regional Office, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

(4) Hunters may apply as a party of 1, 2, 3 persons. If the application is for a party of less than three persons, the blind vacancies may be filled from other applications, or by a daily drawing. No substitutions for an original applicant will be permitted.

(5) A hunter's name may appear on only one application each season. If an applicant's name appears on more than one application, all applications containing his/her name will be voided.

(6) Applicants may indicate up to four choices of hunting days. All hunters will be limited to no more than two hunts by reservations. Only applications received at the refuge office before 10:00 a.m., October 1, 1980, will be accepted.

(7) All successful applicants and hunters wishing to hunt on a stand-by basis will be required to undergo and successful complete, prior to the hunt, a migratory bird identification and hunter training program sponsored specifically for this hunt by the U.S. Fish and Wildlife Service. Hunters who successfully completed the course in 1979 need not retake the course. Individuals who completed the course in 1978 or previously will be required to retake the course. Locations for programs to be presented will be contained in material sent to successful hunt applicants and news releases sent to state news media.

(8) Hunters selected to participate in each day's hunt will be assigned to their blinds by lot.

(9) Hunting is permitted only from the assigned blinds with no more than three hunters per blind. Switching from assigned blinds is prohibited.

(10) Each hunter will pay a special hunter service recreation fee of $3 on the day of the hunt. Holders of "Golden Age Passport" are entitled to a 50 percent discount on this $3 fee.

(11) The daily bag limit will be five of the permitted species, except that no more than one Ross's goose will be permitted in a daily bag.

(12) Hunters will be permitted to use only snow goose decoys.

(13) Hunters must check in through the middle refuge gate on New Mexico Highway 1, one and one-half (1½) miles south of the north boundary of the refuge. This gate is located on the east side of the A.T. & S.F.R.R. which parallels the highway. Check-in must be no later than 5:00 a.m., local time, on the

day they are to hunt and must check out through the hunter check station by 11:00 a.m. of that same day.

(14) Dogs are prohibited.

(15) No alcoholic beverages will be permitted in the hunt area. Any individual obviously under the influence of alcohol will not be permitted to enter the hunt area.

Sevilleta National Wildlife Refuge. Ducks, geese and coots.

Special conditions:

(1) No camping is permitted.

(2) Parking will be limited to areas as posted and designated on hunt map.

(3) There will be no entry to the hunt area earlier than 2 hours before sunrise.

(4) All hunters must be out of hunt area 2 hours after sunset.

(5) Hunters may not enter closed area to retrieve birds.

(6) Fires of any type are prohibited.

(7) Unloaded firearms that are dismantled or cased may be transported through the closed area over posted routes of travel.

(8) Pits and/or permanent blinds are prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

Note.—The 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.

September 24, 1980.

[FR Doc. 80-30598 Filed 10-01-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

Atlantic Herring Fishery; Closure

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Notice of closure of the fishery for Atlantic herring in the Gulf of Maine, South of 43°34'N Latitude (Cape Elizabeth, Maine).

SUMMARY: This notice closes the fishery for adult Atlantic herring in the Gulf of Maine, South of 43°34'N Latitude (Cape Elizabeth, Maine) effective October 5, 1980. The fishery in this management area for herring age three years and older is being closed because it has been determined that the summer/fall quota has already been caught. Because the Gulf of Maine/North management area was closed on September 21, 1980, this action will result in the closure of the entire Gulf of Maine Management Area through November 30, 1980.

EFFECTIVE DATE: October 5, 1980.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930— Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: Regulations governing fishing for Atlantic herring were published on August 8, 1980 (45 FR 52810). These regulations implement Amendment No. 3 (Amendment) to the Fishery Management Plan for the Herring Fishery of the Northwest Atlantic (FMP) as prepared by the New England Fishery Management Council (Council). Seasonal catch quotas by management area are established in the regulations. When it is projected that a quota, less an anticipated amount taken incidentally, will be caught, the Assistant Administrator must issue a notice closing the area to fishing for Atlantic herring.

Catch statistics show that 10,948 metric tons (mt) of three-year old and older herring were taken from the Gulf of Maine, South of 43°34'N Latitude by August 31, 1980. The summer/fall quota (July 1-November 30) for this area is 9,000 mt.

Pursuant to 50 CFR 653.22(a), the Assistant Administrator has determined that the fishery for Atlantic herring in the Gulf of Maine, South of 43°34'N Latitude (Cape Elizabeth, Maine) will be closed, effective October 5, 1980. This action will result in a closure of the entire Gulf of Maine adult herring fishery through November 30, 1980, because the management area north of Cape Elizabeth, Maine was closed on September 21, 1980. During the closure vessels fishing in the Gulf of Maine for other species may take an incidental catch of adult herring which is not greater than five percent by weight of all fish on board. In addition, a "vessel fishing for mackerel" in this management area may have an incidental catch of herring which does not exceed 20 percent by weight of the total catch on board. As defined in the regulations, a "vessel fishing for mackerel" is a vessel whose catch on board is at least 75 percent mackerel.

(16 U.S.C. 1801 et seq.)

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

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-30631 Filed 10-1-80; 8:45 am]

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Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Proposed Licensing Requirements for Pending Construction Permit and Manufacturing License Applications

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is considering requirements to take into account in the design of nuclear power plants which are the subject of pending construction permit (CP) and manufacturing license (ML) applications, lessons learned in connection with the Three Mile Island Unit 2 (TMI-2) accident. Comment is also sought on a proposed rule that would require CP and ML applicants to identify and provide the bases for all deviations from the acceptance criteria given in the applicable revision of the Standard Review Plan (NUREG 75/087). There are currently pending six active CP applications for eleven plants and one active ML application for eight floating nuclear plants. Staff review of these applications has been suspended since the TMI-2 accident on March 28, 1979 pending formulation of a licensing policy to appropriately reflect the lessons learned from the accident.

DATES: Comment period expires November 17, 1980.

ADDRESSES: Written comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. A copy of NUREG-0718 "Proposed Licensing Requirements for Pending Applications for Construction Permits and Manufacturing License" is available for inspection at the same address. It is also available at all Nuclear Regulatory Commission Local Public Document Rooms.

Copies of NUREG-0718 are available upon request by persons who wish to comment, at no cost, from the Nuclear Regulatory Commission's GPO Sales Program, Division of Technical Information and Document Control, Attention: Sales Manager, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301-492-9530).

FOR FURTHER INFORMATION CONTACT: Robert A. Purple, Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301-492-7672).

SUPPLEMENTARY INFORMATION: Based upon its extensive review and consideration of the issues arising as a result of the Three Mile Island accident, the Commission, on June 5, 1980 approved the TMI Action Plan, NUREG 0660. The Commission noted that the Action Plan presents a sequence of actions that will result in a gradually increasing improvement in safety as individual actions are completed and the initial immediate actions that were taken soon after the accident are replaced or supplemented by longer term improvements.

By Policy Statement dated June 16, 1980, the Commission identified (in NUREG 0694) the set of TMI-related requirements for new operating licenses that are necessary and sufficient for responding to the TMI-2 accident. The Commission further decided that current operating license applications should be measured against the regulations, as augmented by these requirements.

The Commission is now developing a position with respect to the set of necessary and sufficient TMI-related requirements that should be applied in the review of applications for construction permits and manufacturing licenses for nuclear power plants. In developing this position, three options have been considered:

1. Resume licensing using the pre-TMI CP requirements augmented by the applicable requirements identified in NUREG 0660.

2. Take no further action on the pending applications until the rulemaking actions described in the Action Plan have been completed.

3. Resume licensing using the pre-TMI CP requirements augmented by the applicable requirements identified in NUREG-0660 and require certain additional measures or commitments in selected areas (e.g., those that will be the subject of rulemaking).

Option 1 would minimize the review and construction impact, thereby minimizing delays in reaching regulatory decisions for the planned facilities. The principal disadvantage of Option 1 is that it fails to take advantage of the fact that, since construction has not started, it would be relatively easy to provide design flexibility to implement potential significant safety improvements.

Option 2 would maximize the safety improvements but would result in extensive delays. The Commission believes that the costs of such delays are not justified provided that design flexibility can be demonstrated.

The Commission believes that Option 3 is a suitable compromise between the extremes of Options 1 and 2. This option will ensure that approved action items in the Action Plan are applied to the new CPs and will provide for early consideration of added safety measures that can be incorporated into the design without the need for inordinately costly backfit. By establishing a clear statement of requirements with respect to the issues to be determined by rulemaking, a degree of stability is introduced into the CP review process thereby allowing prospective applicants to make better-informed decisions.

In its review of the Action Plan the Commission has identified four areas that it believes merit special attention. The following identifies these areas and describes the Commission's present position with respect to the requirements that should be met by CP and ML applicants.

1. *Siting*—The Commission has already established a transition policy for CP applicants. CP applicants would be asked to compare their sites with the recommendations of NUREG-0625, as modified by the NRC's Office of Policy Evaluation and Advisory Committee on Reactor Safeguards. At such time as the proposed rule on siting is issued for comment (schedule for October 1980), CP applications would be assessed against the criteria contained in the proposed rule and any needed additional requirements will be proposed by the staff.

2. *Degraded Core Rulemaking*—CP and ML applicants would describe the degree to which their designs conform to

the proposed interim rule. Applicants would also provide reasonable assurance, to the extent practicable and taking into account the present state-of-the-art in the technology, that issuance of CPs and MLs will not foreclose or preclude modification of the facilities to accommodate potential requirements that may result from the rulemaking proceedings. These potential requirements include such features as filtered vented containment, molten core retention, and hydrogen control systems. Special attention would be given to those facility designs with small containment volumes, i.e., ice condenser and Mark III containment design. Prior to issuance of the CP or ML, applicants would be required to submit their evaluation of the additional features, both preventive and mitigative, they propose to include at their facilities that have the potential for significant risk reduction.

3. *Reliability Engineering*—CP and ML applicants would perform simplified system reliability analyses for the following systems: subcriticality systems, emergency feedwater systems (PWRs), reactor core isolation cooling (BWRs), ECCS injection and recirculation systems, shutdown cooling systems, containment cooling and spray systems, safety features actuating systems, and auxiliary systems upon which these depend (alternating and direct current, compressed air, essential service or cooling systems, and heating, ventilating and air conditioning systems). These analyses would use event-tree and fault-tree logic techniques to identify design weaknesses and possible system modifications that would be made to improve the capability and reliability of the above systems under various transient and loss-of-coolant accident events. Particular emphasis would be given to determining potential failures that could result from human errors, common causes, single point vulnerabilities, and test and maintenance outages.

CP and ML applicants should provide sufficient information to describe the nature of the studies, how they are to be conducted, the completion dates, and the program to assure that the results of such studies are factored into the final designs.

4. *Emergency Preparedness*—CP applicants would submit, prior to the issuance of construction permits, a discussion of their preliminary plan for coping with emergencies addressing the amended rule (Appendix E to 10 CFR Part 50) as it applies to construction permit applications. Sufficient detail would be presented to provide reasonable assurance that the requirements will be implemented properly.

The remaining Action Plan items that the Commission has determined to be applicable to the pending CP and ML application are set forth in NUREG-0718 which also sets forth the required commitments or design information necessary to permit completion of the safety reviews. As Action Plan Decision Group C items are approved by the Commission, they would be added as requirements for CP and ML applicants.

All applicants for CPs and MLs for which staff SERs or SER TMI supplements are issued before January 1, 1982 would also be required to identify and provide the bases for all deviations from the acceptance criteria set forth in the May 1980 revision of the Standard Review Plan (SRP) (NUREG 75/087), and NUREG-0718 (as modified after public comment) prior to issuance of a Construction Permit or Manufacturing License. All applicants for CPs and MLs for which staff SERs or SER TMI supplements are issued after January 1, 1982 would be required to identify and provide the bases for all deviations from the acceptance criteria set forth in the next revision of the Standard Review Plan (currently expected to be issued in April 1981) prior to issuance of a Construction Permit or Manufacturing License. The next revision of the Standard Review Plan will consist of the May 1980 revision of the SRP modified to reference all applicable safety and safeguards regulations and those Division 1 Regulatory Guides, staff positions, and other documents currently used by the staff to interpret the intent of these regulations, including requirements resulting from the TMI accident.

The information regarding identification and justification of deviations from the applicable revision of the SRP would be contained in those Safety Analysis Report sections that describe the systems, components, or structures in which the deviations exist. In addition, the applicants would provide, in Chapter 1, a summary listing of the deviations and an identification of the sections in the Safety Analysis Report where the deviations are described and justified. The identification and justification by CP and ML applicants of deviations from the acceptance criteria in the applicable revision of the SRP is expected to enhance the quality of the staff's review of the application and assist the staff in making the determinations required by 10 CFR 50. Such documentation would also more clearly identify the bases of the acceptability of the facility design and its relationship to current licensing criteria. Several methods of implementing this requirement are under consideration (issuance of a Regulatory Guide, issuance of a Policy Statement or issuance of rules changes). The Commission is also considering the imposition of similar requirements on holders of operating license and applicants for operating licenses. A Federal Register Notice for this class of licensee/applicant is to be issued in the near future.

Public comments are requested with respect to: (1) The four areas identified above for special consideration; (2) the requirements identified in NUREG 0718, and (3) the requirement to document and justify deviations from the applicable revision of the Standard Review Plan. Comments are also requested regarding the extent to which the judgments reached by the Commission on items (1) and (2) should form the basis for instructions to licensing and appeal boards in construction permit and manufacturing license proceedings. With respect to item (3), public comments regarding the method of implementation of the requirement are requested. Following receipt of public comments, the Commission will finalize its position and take appropriate action, including the possible issuance of final rules on some or all of these matters.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that amendment of the Commission's regulations in 10 CFR Parts 2 and 50 with regard to some or all of the subjects and issues described in this Notice is contemplated.

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. 80-30568 Filed 10/1/80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-AWE-16]

Proposed Alteration of Transition Area, Tucson, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to add a transition area for Ryan Field, Tucson, Arizona, to provide controlled airspace for aircraft executing an instrument approach procedure to the Ryan Field Airport utilizing the Ryan Field Instrument Landing System (ILS). The need for the transition area will be created when an ILS approach procedure is established for Ryan Field, Tucson, Arizona.

DATES: Comments must be received on or before October 23, 1980.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261; telephone (213) 536-6270.

FUR FURTHER INFORMATION CONTACT: Gary Fisher, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. All communications received on or before October 23, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Drafting Information

The principal authors of this document are Gary Fisher, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Tucson, Arizona 70-foot transition area. This action will provide controlled airspace protection for IFR operations at the Ryan Field Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the following:

§ 71.181 [Amended]

Following ". . . 30 miles NW of the VORTAC: . . ." delete the ":" and add "and within a 5-mile radius of Ryan Field Airport (latitude 32° 08′ 20″ N., longitude 111° 10′ 00″ W.) and within 4 miles each side of the Ryan Field localizer course extending from the 5-mile radius area to 8 miles west of the outer marker: . . ."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe, flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Los Angeles, California on September 15, 1980.

John D. Mattson,

Director, Western Region.

[FR Doc. 80-30359 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW—41]

Proposed Alteration of Transition Area: Lake Charles, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Lake Charles, LA. The intended effect of the proposed action is to provide additional controlled airspace for helicopters executing a new special instrument approach procedure to the Air Logistics Heliport, Lake Charles, LA. The circumstance which created the need for the action is that a new special instrument approach procedure has been developed for the Air Logistics Heliport using the Lake Charles VORTAC.

DATES: Comments must be received on or before November 3, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (45 FR 445) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Lake Charles, LA., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days

after publication of this notice in the **Federal Register** will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Lake Charles, LA. The FAA believes this action will enhance IFR operations at the Air Logistics Heliport, Lake Charles, LA., by providing controlled airspace for helicopters executing a proposed instrument approach procedure using the Lake Charles VORTAC. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) by altering the description as follows:

Lake Charles, La.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake Charles Municipal Airport (Latitude 30°07'32" N., Longitude 93°13'22" W.) and within 1.5 miles each side of the 335° radial of the Lake Charles VORTAC (Latitude 30°08'29" N., Longitude 93°06'20" W.) extending from the 8.5-mile radius area to 8.5 miles northwest of the Lake Charles VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 23, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-30358 Filed 10-01-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

Miscellaneous Amendments to the Foreign Trade Statistics Regulations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is proposed to amend the Foreign Trade Statistics Regulations primarily for the pupose of clarity and to conform them with existing practices. Minor changes in reporting requirements for exports of machinery in partial lots, and removal of exemptions from Shipper's Export Declaration requirements for shipments to the Panama Canal are also included in this amendment.

DATE: Comments should be submitted on or before December 1, 1980.

ADDRESS: Send comments to the Director, Bureau of the Census, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT: Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, 301–763–5342.

SUPPLEMENTARY INFORMATION: (1) With the transfer of the Panama Canal to Panamanian jurisdiction (effective October 1, 1979), shipments for use in connection with the Panama Canal should no longer be excluded from the official U.S. export statistics, but should be included in the data for shipments to the Republic of Panama. Therefore, the exceptions and exemptions heretofore provided in §§ 30.37(a)(3), 30.40, and 30.53(e) are being deleted. Similarly, reference to the Canal Zone in the general statement of Shipper's Export Declaration requirements in § 30.1 is also being deleted since the requirement that Shipper's Export Declarations be filed for shipments to all *foreign countries* includes, without specifying, the Republic of Panama.

(2) With the recent revision of Schedule B, *Statistical Classification of Domestic and Foreign Commodities Exported from the United States*, directives such as "Specify by name" and "State species" were eliminated from the Schedule. Accordingly, requirements in § 30.7(1)(2) concerning these directives are being deleted.

(3) Section 30.32 of the Foreign Trade Statistics Regulations currently provides that unassembled machines or units shall be classified as complete machines or units and not as parts thereof, even when the integral components are not shipped simultaneously, and provides a rather detailed procedure for reporting such transactions. Since our statistical handling of partial shipments is no longer consistent with these requirements, they are being deleted.

(4) For a 6-month period beginning November 30, 1978, § 30.42 of the Foreign Trade Statistics Regulations required the advance presentation of Shipper's Export Declarations covering the exportation of used vehicles. Since these provisions were expressly limited to 6 months' duration, they expired on May 30, 1979. Announcement of the expiration of these requirements was made in the **Federal Register** of September 7, 1979 (44 FR 52174). They are now being removed from the Foreign Trade Statistics Regulations.

(5) Since the Bureau of East-West Trade has now been reorganized effective January 2, 1980, as the International Trade Administration, §§ 30.2 (a) and (b), § 30.39(b)(1), and § 30.91(a) are being changed to reflect this name change.

(6) Section 30.91(e) is being amended to reflect the wording of Pub. L. 96–275 concerning the exemption of Shipper's Export Delcarations from disclosure.

(7) No exemption is provided in the Foreign Trade Statistics Regulations for shipments of merchandise carried on the person, so Shipper's Export Declarations are required for such commercial transactions. In view of the questions frequently raised concerning this matter, section 30.1 is being amended to carry a

positive statement to the effect that Shipper's Export Delcarations are required for such shipments.

(8) The Bureau of the Census attempts to include in the official export statistics exports of merchandise exported on long-term lease agreements. To provide for Census determination of the statistical or nonstatistical status of shipments under lease, § 30.31 is being amended to provide for the identification of such shipments and an indication of the expected period of lease.

(9) Since countries may shift within Country Groups as defined in the Export Administration Regulations of the Office of Export Administration, or entire Country Group designations may be eliminated, §§ 30.39 and 30.55 are being amended to eliminate the need for listing individual Country Groups to which certain privileges do not apply.

(10) Since shipments by the National Oceanic and Atmospheric Administration (NOAA) are of such nature that they should not be included in statistics and as the Office of Export Administration does not require any special documentation for these shipments, a provision is being added in § 30.55 which will exempt the NOAA from the requirement for filing Shipper's Export Declarations.

Since some of these regulatory changes will require minor changes in reporting, e.g., the elimination of the exemption from Shipper's Export Declaration requirements for shipments for maintenance of the Panama Canal, etc., interested persons are invited to submit such written data, views or arguments as they may desire to the Director, Bureau of the Census, Washington, D.C. 20233, on or before December 1, 1980, and they will receive consideration.

To effect these changes, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR Part 30) as set forth below.

1. Section 30.1(a)(1) is hereby amended by deleting the words "the Canal Zone and" so that as amended the opening phrase of § 30.1(a)(1) reads as follows:

§ 30.1 General statement of requirement for Shipper's Export Declaration.

(a) * * *

(1) To foreign countries or areas (including Trust Territories under U.S. administration, and including Foreign Trade Zones in foreign countries or areas) from any of the following:

* * * * *

§ 30.37 [Amended]

2. Section 30.37 is hereby amended by deleting § 30.37(a)(3) in its entirety.

3. The first sentence of § 30.40 is hereby amended by deleting the comma "," and inserting the word "or" between "Puerto Rico" and "the Virgin Islands of the United States" and by deleting the phrase "or the Canal Zone" and the comma "," before it so that, as amended, the first sentence of § 30.40 will now read as follows:

§ 30.40 Single declaration for multiple consignees.

As a further exception to the requirements of § 30.6, shippers are authorized, subject to the approval of the Customs Director, to file one Shipper's Export Declaration (in duplicate) for all shipments, other than those made to U.S. Government agencies, offices, establishments, or representatives of any of these, which are laden on one vessel or aircraft and destined to go to one port in Puerto Rico or the Virgin Islands of the United States.

§ 30.53 [Amended]

4. Section 30.53 is hereby amended by deleting § 30.3(e) in its entirety.

§ 30.7 [Amended]

5. Section 30.7 is hereby amended by deleting § 30.7(1)(2) in its entirety, and by renumbering §§ 30.7(1)(3) and 30.7(1)(4) to 30.7(1)(2) and 30.7(1)(3), respectively.

6. In the first paragraph of § 30.7, the parenthetical statement "(See § 30.42 for additional information required for a limited time on Shipper's Export Declarations covering the exportation of used vehicles to foreign countries.)" is hereby deleted.

§ 30.32 [Deleted and Reserved]

7. Section 30.32 is hereby deleted in its entirety and that section number reserved for future use.

§ 30.42 [Deleted and Reserved]

8. Section 30.42 is hereby deleted in its entirely and that section number reserved for future use.

§§ 30.2, 30.39, and 30.91 [Amended]

9. Sections 30.2 (a) and (b), § 30.39(b)(1), and § 30.91(a) are hereby amended by substituting "International Trade Administration" for the words "Bureau of East-West Trade" wherever that name appears.

§ 30.91 [Amended]

10. Section 30.91(e) is hereby amended by deleting from the first sentence the words "the withholding" and substituting the words "applying the exemption from disclosure." This section is further amended by deleting from the third sentence the words "withhold the information" and substituting the words "apply the exemption" so that as amended § 30.91(e) reads as follows:

§ 30.91 Confidential information, Shipper's Export Declarations.

* * * * *

(e) *Determination by the Secretary of Commerce.* When the Secretary of Commerce determines that applying the exemption from disclosure of information provided by an individual Shipper's Export Declaration is contrary to the national interest, he/she may make such information available, taking such safeguards and precautions to limit dissemination as he deems appropriate under the circumstances. In recommendations regarding such actions, the Bureau of the Census will, in general, consider that it is not contrary to the national interest to withhold information on Shipper's Export Declarations from private individuals or businesses (except the exporter or his agent) or from state or local government agencies or officials, regardless of the purposes for which the information may be requested. In recommendations regarding any other requests for access to official copies, a judgement in the light of circumstances will be made as to whether it is contrary to the national interest to apply the exemption, keeping in view that the maintenance of confidentiality has in itself an important element of national interest.

11. Section 30.1(b) is hereby amended by inserting after the second sentence and before the third sentence the following sentence: "Shipper's Export Declarations shall be filed also for merchandise carried on the person or in luggage hand carried by the person if intended for sale or other disposition in a foreign country or area." Therefore, § 30.1(b) as amended reads as follows:

§ 30.1 General statement of requirement for Shipper's Export Declarations.

* * * * *

(b) Shipper's Export Declarations shall be filed for merchandise moving as described above regardless of the method of transportation. Instructions for the filing of Shipper's Export Declarations for vessels, aircraft, railway cars, etc., when sold foreign appear in § 30.33 Shipper's Export Declarations shall be filed also for merchandise carried on the person or in luggage hand carried by the person if intended for sale or other disposition in a foreign country or area. Exemptions from these requirements and exceptions

to some of the provisions of these regulations for particular types of transactions will be found in Subparts C and D of this part.

12. Section 30.31(a) is hereby amended by adding, after the opening phrase, the following sentence: "Merchandise exported under a lease agreement should be identified as such, and the period of lease should be indicated." As amended, § 30.31(a) reads as follows:

§ 30.31 Identification of certain nonstatistical and other unusual transactions.

* * * * *

(a) Merchandise exported for repair only, and other temporary exports to be returned to the United States which are not sold and do not enter the trade of the country to which shipped, e.g., merchandise for exhibition (not for exhibition and possible sale), horses or other animals for breeding or grazing, etc. Merchandise exported under a lease agreement should be identified as such, and the period of lease should be indicated.

* * * * *

13. The opening phrase of § 30.39(b) is hereby amended by deleting the words "in country groups S and Z, as defined in" and substituting the words "prohibited by" so that as amended § 30.39(b) reads as follows:

§ 30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.

* * * * *

(b) In addition to the procedures authorized in paragraph (a) of this section, the Bureau of the Census, with the concurrence of the Office of Export Administration, may, on an individual case basis, authorize exemption from the requirement of § 30.6 that an export declaration be filed for each shipment, the exemption to be conditioned upon the filing, after the close of each month, of a single export declaration or other statistical report, in an approved format including punch cards, computer tapes, etc., covering shipments made during the month to all destinations except countries prohibited by the Export Administration Regulations of the Office of Export Administration (Parts 368–399 of this title),[7] as follows:

14. The opening phrase of § 30.55(h) is hereby amended by deleting the words "included in Country Groups Q, S, W, Y, and Z, as defined in" and substituting the words "prohibited by" so that as amended § 30.55(h) reads as follows:

§ 30.55 Miscellaneous exemptions.

* * * * *

(h) Shipments (except shipments requiring a validated export license) between the United States and Puerto Rico, to the Virgin Islands of the United States, and to all countries except countries prohibited by the Export Administration Regulations of the Office of Export Administration (15 CFR Parts 368–399),[8] where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is $500 or under: *Provided, however,* That this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on $500-and-under shipments.

15. Section 30.55 is hereby amended by adding a new paragraph designated § 30.55(m) to reflect an exemption from filing Shipper's Export Declarations for shipments in connection with the NOAA so that as amended this section reads as follows:

§ 30.55 Miscellaneous exemptions.

* * * * *

(m) Shipments for use in connection with NOAA operations under the Office of Export Administration General License G–NOAA.

(Title 13, United States Code, section 302; and 5 U.S.C.; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35–2A, August 4, 1975, 40 FR 42765)

Vincent P. Barabba,

Director, Bureau of the Census.

I concur: September 17, 1980.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 80–30732 Filed 10–1–80; 8:45 am]

BILLING CODE 3510-07-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 801 0046]

Murata Manufacturing Co., Ltd.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval would require "Murata," a Japanese manufacturer and seller of electronic components, including various types of ceramic capacitors, among other things, to divest itself of the Arizona Division of Erie Technological Products, Ltd. (ETP), to a Commission-approved buyer within nine months from the effective date of the order. Should Murata fail to divest ETP's Arizona Division in the specified time, it would be required to divest the entire company to an eligible party within the four months following the initial divestiture period. Murata would be further required to hold ETP's business and assets completely separate and apart from its own business and assets pending divestitute, and barred from acquiring, without prior Commission approval, certain firms, engaged in the manufacture or sale of ceramic capacitors.

DATE: Comments must be received on or before December 1, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

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

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America, Before Federal Trade Commission

In the Matter of Murata Manufacturing Co., Ltd., a corporation; File No. 801–0046, Agreement Containing Consent Order.

The Federal Trade Commission ("Commission") having initiated an investigation of the proposed acquisition of Erie Technological Products, Ltd. ("ETP") by Murata Manufacturing Co., Ltd. ("Murata"), and it now appearing that Murata, as proposed respondent, is willing to enter into an agreement containing an order in settlement of that investigation,

It is hereby agreed by and between Murata, by its duly authorized agent and its attorney, and counsel for the Commission that:

1. Murata is a corporation organized, existing, and doing business under and by virtue of the laws of Japan with its principal offices at 26–10, 2-Chome, Tenjin, Nagaokakyo-shi, Kyoto 617, Japan.

2. Murata admist all the jurisdictional facts set forth in the draft of complaint here attached.

3. Murata waives:

(a) any further procedural steps;

(b) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Murata, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by Murata that the law has been or would be violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commmission's Rules, the Commission may, without further notice to Murata, issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order in disposition of the proceeding and make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to Futoshi Chanoki, President, Murata Corporation of America, 1148 Franklin Road S.E., Marietta, Georgia 30067, shall constitute service. Murata waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Murata has read the proposed complaint and order contemplated hereby. Murata understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Murata further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

8. Murata understands and agrees that it may not consummate the acquisition of ETP until this agreement is accepted by the Commission. Murata further agrees to comply, as of the date this order is accepted by the Commission, with all the provisions of this order.

Order

I

It is ordered that for the purposes of this order the following definitions shall apply:

1. "Murata" means Murata Manufacturing Co., Ltd., a corporation organized, existing, and doing business under and by virtue of the laws of Japan with its principal offices at 26–10, 2-Chome, Tenjin, Nagaokakyo-shi, Kyoto 617, Japan, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affilates, successors, assigns, and the officers, employees or agents of Murata's parents, divisions, subsidiaries, affiliates, successors or assigns.

2. "ETP" means Erie Technological Products, Ltd., a corporation organized, existing, and doing business under and by virtue of the laws of Canada with its principal offices at Suite 408, 1 Eva Rd., Etobicoke, Ontario, Canada M9C 4Z5, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affilates, successors, assigns, and the officers, employees or agents of ETP's parents, divisions, subsidiaries, affiliates, successors or assigns. "ETP" also means the entire company, including all assets, properties, titles to property, interests, rights and privileges of whatever nature, tangible and intangible, including but not limited to all real property, buildings, inventory, customer lists, tradenames, patents, patent applications, trademarks and all other property of whatever description presently owned or operated by ETP with all additions, replacements and improvements hereafter made to ETP.

3. "Divested Products" means all ceramic disc capacitors, ceramic plate capacitors, ceramic variable capacitors, ceramic tubular capacitors, and ceramic high voltage capacitors manufactured by ETP on or within three years prior to the effective date of this order.

4. "Arizona Division" means all assets, properties, titles to property, interests, rights and privileges of whatever nature, tangible and intangible, including but not limited to all real property, buildings, machinery, equipment, raw materials, inventory, customer lists, tradenames patents, patent applications, trademarks, orders for purchase of Divested Products from ETP that are unfilled on the date of the divestiture, and all other property of whatever description presently owned or operated by ETP for the manufacture of the Divested Products located in the case of tangible property in State College, Pennsylvania, Tucson, Arizona, and Nogales, Mexico, with all additions, replacements, and improvements hereafter made to the Arizona Division and such additional property of ETP that Murata determines to include in the Arizona Division. The term "Arizona Division" excludes all: (1) real estate and buildings located in State College, Pennsylvania; (2) other property located in State College, Pennsylvania, that the Commission, Murata, and the Eligible Person (as defined below) may agree is not necessary for the manufacture of the Divested Products; (3) debts and liabilities (except trade accounts payable and not overdue, accrued salaries, payroll taxes, payroll taxes withheld, accrued interest, insurance, utilities, and other similar operating expenses, to the extent these liabilities do not exceed accounts receivable); and (4) future leasehold obligations relating to ETP's facilities in Tucson, Arizona, and Nogales, Mexico.

5. "Eligible Person" means any individual, corporation (including subsidiaries thereof), partnership, joint venture, trust, unincorporated association, other business or legal entity, or any combination thereof, approved by the Commission. Such approval shall be in the sole discretion of the Commission.

6. "Initial Divestiture Period" shall mean a period ending nine months from the date of the issuance of this order, except that if prior to the expiration of such nine month period, Murata has proposed a person as an Eligible Person and the Commission has neither approved nor disapproved of such person, then such nine month period shall be extended until thrity days following the Commission's approval or disapproval of such person as an Eligible Person. In no event shall the initial divestiture period be extended more than once.

II

It is further ordered that within four months after the end of the Initial Divestiture Period, Murata shall divest absolutely ETP to an Eligible Person, unless within the Initial Divestiture Period Murata shall have divested absolutely the Arizona Division to an Eligible Person.

III

It is further ordered that divestiture under paragraph II shall be in a manner which preserves the assets and business divested as a going concern and as a viable competitor.

IV

It is further ordered that pending divestiture under paragraph II required by this order:

A. Murata shall operate ETP as a separately managed subsidiary, separately maintaining its own financial books and records, auditors, employees and management. All earnings and profits of ETP shall be retained by ETP and shall not be distributed to Murata or any third party as dividends or in any other form.

B. Murata: (1) shall exert no control over or influence on or interfere in any way in any of the business decisions or operations of ETP; (2) shall not cause ETP, directly or indirectly, to adopt policies preferred, suggested, or dictated by Murata; (3) shall not change ETP's existing policies or methods of operation. Furthermore, no Murata officer, director, employee, representative, or agent shall serve in any ETP position and no Murata officer, director, employee, representative or agent shall serve on ETP's Board of Directors.

C. Murata shall refrain from consolidating, directly or indirectly, its manufacturing, planning, purchasing, marketing, sales, research and development, personnel, or any other operations with those of ETP, *provided* that Murata may continue to use ETP's office space and computer facilities in Germany, to the limited extent it is already using those facilities as of the date this agreement is

accepted by the Commission for placement on the public record.

D. Murata shall refrain from taking any action, directly or indirectly, which would cause any changes or alterations to be made in ETP's business or operations or organization, including, but not limited to, changes in the executive, management, personnel, research and development, manaufacturing, marketing, and distribution aspects of ETP.

E. Murata shall refrain from interfering with ETP's presently used trademarks and tradenames and ETP shall continue to be free to use such trademarks and tradenames to identify products, and Murata shall not use such trademarks and tradenames to identify any products other than those manufactured by ETP.

F. Murata shall refrain from taking any actions with respect to ETP likely to diminish ETP's sales or interfere with its corporate opportunities.

G. Murata shall refrain from marketing and/or selling its products through the same representatives or employees through which ETP markets and/or sells its products, except to the extent to which Murata's products and ETP's products were marketed and/or sold through the same representatives prior to November 30, 1979.

H. Murata shall refrain from promoting the products of ETP as its own products.

I. Murata shall refrain from buying or using any advertising that promotes the products of Murata and ETP together or discloses the relationship between the two companies.

J. Murata shall refrain from engaging in joint selling of Murata products and products of ETP.

K. Murata shall refrain from, directly or indirectly, selling, disposing of, or causing to be transferred any assets, property, or business of ETP, except that ETP may sell or transfer manufactured products in the ordinary course of business.

L. Murata shall refrain from mortgaging or pledging the assets of ETP pursuant to any loan transaction in which the borrower is Murata, or any entity other than ETP, except in connection with divestiture pursuant to paragraph II.

M. Murata shall refrain from causing ETP to guarantee any debts or obligations pursuant to any loan transaction in which the borrower is Murata, or any entity other than ETP, except in connection with divestiture of the Arizona Division pursuant to paragraph II.

N. Murata shall refrain from making available or communicating to ETP any confidential or proprietary information, and Murata shall not seek to obtain or exploit, directly or indirectly, any of ETP's trade secrets, manufacturing processes, patents, know-how, formulas or other technical information, unpublished price lists, customer lists, non-public financial and accounting books and records, or any other competitively sensitive information.

O. Murata shall hold in strict confidence and shall not divulge to any third party or use for its own or any third party's benefit any confidential information which Murata has obtained or may obtain from ETP since November 30, 1979, except for the limited purpose of effecting divestiture pursuant to paragraph II.

P. Murata shall provide the Federal Trade Commission with written notice immediately upon termination, resignation, retirement, or transfer of any officer or director or senior executive of ETP.

Q. During the life of this agreement and for the purpose of assuring compliance herewith, duly authorized representatives of the Federal Trade Commission shall be permitted, upon written request and reasonable notice to Murata, to interview officers, directors, and employees of Murata and ETP and examine documents, at reasonable times and in the presence of Murata counsel (if Murata employees) and ETP counsel (if ETP employees), regarding matters covered by this agreement.

V

It is further ordered that the divestiture ordered and directed by this order shall be made in good faith and shall be absolute and unqualified; *provided*, however, that an Eligible Person may give, and Murata may accept and enforce, any bona fide lien, mortgage, deed of trust or other form of security on all or any portion of the assets or business divested. If a security interest is accepted, in no event may such security interest give Murata a right to participate in the operation or management of such assets or business. In the event that Murata, as a result of the enforcement of any bona fide lien, mortgage, deed of trust or other form of security interest, reacquires possession of the assets divested, then Murata shall redivest the reacquired assets, as a going concern and as a viable competitor, to an Eligible Person within six months of the reacquisition.

VI

It is further ordered that, for a period of ten years from the date of issuance of this order, Murata, its parents, divisions, subsidiaries, affiliates, successors, or assigns, shall not, directly or indirectly, acquire any stock, share capital, or equity interest in any concern, corporate or noncorporate, engaged in the manufacture or sale in or to the United States of ceramic capacitors, without the prior approval of the Federal Trade Commission, if such concern:

A. is incorporated in the United States or organized under the laws of one of the United States or has its principal offices within the United States; or

B. manufactures ceramic capacitors in the United States; or

C. had annual net sales of ceramic capacitors of five million dollars or more in or into the United States in the most recently completed calendar year prior to the date of the requested approval.

VII

It is further ordered that Murata shall within sixty days from the date of issuance of this order and every sixty days thereafter until divestiture is completed, submit in writing to the Commission a report setting forth in detail the manner and form in which Murata intends to comply, is complying, and has complied with the terms of this order and such additional information relating thereto as may from time to time reasonably be required. All such reports shall include a summary of contacts or negotiations with anyone for the specified assets, the identity of all such persons, and copies of all written communications to and from such persons. After divestiture is completed, Murata shall submit in writing annual reports showing the manner and form of compliance with this order.

VIII

It is further ordered that for a period of ten years from the date of issuance of this order, Murata shall notify the Commission at least thirty days prior to any change in Murata which may affect compliance with the obligations arising out of this consent order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation.

Murata Manufacturing Co., Ltd.

[File No. 801-0046]

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has entered into an agreement to a proposed consent order with Murata Manufacturing Co., Ltd. ("Murata") concerning the acquisition by Murata of Erie Technological Products, Ltd. ("ETP"). The proposed order requires that Murata divest certain portions of ETP's business, or, failing to divest such portions within a specified period, divest ETP absolutely. The proposed order requires that such divestiture be made in a manner which preserves the assets and business divested as a going concern and as a viable competitor. Pursuant to the proposed order, pending divestiture, Murata must hold the business and assets of ETP entirely separate and apart from its own business and assets. Finally, the proposed order contains a 10-year ban on acquisitions of certain firms engaged in the manufacture or sale of ceramic capacitors absent Commission approval.

The proposed consent order is being placed on the public record for sixty days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw the agreement or make final the agreement's proposed order.

Murata, a Japanese corporation, is one of the world's leading producers of electronic and electrical components. The company manufactures and sells five groups of products: (1) capacitors (representing 41.1% of the company's total 1979 sales); (2) piezoelectric products; (3) resistors; (4) electronic

module products, including tuners, active filters, and CR networks; and (5) others, including a variety of electronic components such as CB transceivers. In 1979 its sales amounted to $200 million. Murata operates in the United States through its wholly-owned subsidiary, Murata Corporation of America. The United States is currently the largest single market for Murata's products outside Japan.

ETP, a Canadian company with substantial U.S. operations, also manufactures and sells electronic components and assemblies, including capacitors, noise interference filters, rectifiers and other products used in electronic and electrical applications. The company has production or sales facilities in Erie, State College, and Carlisle, Pennsylvania; Tucson, Arizona; Nogales, Mexico; Canada; and Germany.

On November 30, 1979, Murata entered into a purchase agreement with ETP and the owners of ETP shares, providing for the purchase by Murata of 75% of each owner's shares for a total of $5 million, plus the assumption of approximately $9 million in debt. Consummation is now scheduled for September 22, 1980.

The complaint underlying the proposed consent order alleges that Murata's acquisition of ETP violates Section 5 of the Federal Trade Commission Act and Section 7 of the Clayton Act in that the effects of the acquisition may be substantially to lessen competition or to tend to create a monopoly in at least three relevant markets: (1) fixed ceramic capacitors, (2) single layer ceramic capacitors, and (3) ceramic variable capacitors. Both Murata and ETP manufacture and sell ceramic capacitors in the United States. Capacitors are electrical energy storage units consisting of two or more conducting layers ("electrodes") separated by insulating ("dielectric") material. They are used in virtually all electronic and many electrical devices. In ceramic capacitors, the dielectric is composed of ceramic material.

The first paragraph of the proposed order supplies the necessary definitions for interpretation of subsequent provisions. The second paragraph, read with these definitions, provides that Murata shall divest those of ETP's assets, including equipment, machinery, plants and other property (the "Arizona Division"), related to the manufacture of certain specified ceramic capacitors (the "divested products") to a person approved by the Commission (an "eligible person") within nine months from the effective date of this proposed order (the "initial divestiture period").

If the Arizona Division proves to be unsalable during this initial divestiture period, paragraph II of the order requires that Murata divest all of ETP to an eligible purchaser within four months thereafter. This paragraph is designed to ensure that the Arizona Division is a viable, marketable entity. If, however, it cannot be separated from ETP as a going concern, then competition in the relevant markets is to be restored to that level which existed prior to the acquisition; that is, ETP will be divested whole and intact. Paragraph III reemphasizes the heart of this order—that the divested entity, whether the Arizona Division or all of ETP, is to be divested as a going concern and a viable competitor.

Each of the provisions of paragraph IV of the order is designed to prevent the commingling of the business and assets of Murata and ETP, and the possible diminution of ETP as a viable competitior pending divestiture. Various of these provisions prohibit Murata and ETP from sharing any competitively sensitive technical or sales information, and prevent Murata from misusing or abusing any of ETP's trademarks, tradenames, goodwill, reputation, or from selling, mortgaging, or guaranteeing any of ETP's assets. Moreover, the fact that Murata may not profit from its investment in ETP pending divestiture (paragraph IV, subsection A) will encourage swift compliance. Such strict hold separate provisions are essential to preserve the status quo of ETP—and, necessarily, the Arizona Division—to the maximum extent possible between the time the merger is consummated and divestiture. Maintaining the status quo under these circumstances is important for at least two reasons: to preserve a separate and viable entity that may be successfully divested and to prevent or forestall any anticompetitive effects that might occur prior to divestiture. This paragraph also creates affirmative duties on the part of Murata—a requirement to notify the Commission any time there is a change in the officers, directors or senior executives of ETP and to permit designated Commission staff periodically to examine documents and interview employees of Murata or ETP to monitor compliance.

Pursuant to paragraph V of the order, Murata may accept a security interest in the Arizona Division or ETP, whichever is ultimately divested by Murata, from the purchaser thereof. However, if Murata should reacquire the divested entity by reason of the purchaser's default, it is prohibited from exercising any control or influence over those assets while it holds them, and is required to redivest that entity to an eligible person within six months.

Under paragraph VI of the order, Murata may not, without prior approval of the Commission, purchase any domestic firm engaged in the manufacture or sale of ceramic capacitors in the United States, if that firm is a United States corporation, or that firm manufactures ceramic capacitors in the United States in or into the United States, or that firm has net sales of ceramic capacitors exceeding five million dollars in the most recently completed calendar year prior to the date of such approval. This ban, which lasts ten years from the date the order is issued, is designed to prevent any further diminution of competition in the relevant markets by reason of Murata's acquisition of competitors.

Finally, paragraphs VII and VIII of the order require Murata to make reports to the Commission detailing its ongoing compliance with the terms of the order, and to notify the Commission prior to any change in Murata which would affect compliance.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-30730 Filed 10-1-80; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[File No. 802 3001]

Darworth Co.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require an Avon, Conn. manufacturer and seller of wood stains and wood preservative products, among other things, to cease disseminating unfair or deceptive advertisements or promotional material. The company would be prohibited from misrepresenting that its products have been tested, approved, or registered by a government body; that they are the only such products meeting government specifications; or that the Environmental Protection Agency registration number displayed on product labels indicates

that product performance is superior to that of other wood preservative products. The order would additionally require that firm's statements concerning E.P.A. registration be truthful; restricted E.P.A. information; and accompanied by a statement advising either that E.P.A. registration does not constitute a recommendation or endoresment of the product, or that all products containing a fungicide for wood preservation must be registered with the E.P.A.

DATE: Comments must be received or or before December 1, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

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

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

[File No. 802 3001]

Darworth Company, a Division of E-B Industries, Inc.; Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission has initiated an investigation of certain acts and practices of Darworth Company. It now appears that Darworth Company is willing to enter into an agreement containing an order prohibiting the use of the acts and practices being investigated.

It is hereby agreed by and between Darworth Company, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Darworth Company is a division of E-B Industries, Inc., a Connecticut corporation, with its office and principal place of business located at P.O. Box K, Tower Lane, Avon, Connecticut 06001.

2. Darworth Company admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Darworth Company waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to the agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of the complaint and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days. The Commission thereafter: (1) May issue and serve its compalint (in such form as the circumstances may require) and decision, in disposition of the proceeding or (2) withdraw its acceptance of this agreement and so notify Darworth Company. In this event it will take such action as it may consider appropriate.

5. This agreement is for settlement purposes only and does not constitute and admission by Darworth Company that the law has been violated as alleged in the draft complaint here attached.

6. If this agreement is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to Darworth Company, issue its complaint corresponding in form and substance with the draft of attached complaint and its decision containing the following order in disposition of the proceeding. The Commission may also make public information pursuant to Rule 2.34. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to Darworth Company's address as stated in this agreement shall constitute service. Darworth Company waives any rights it might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Darworth Company has read the proposed complaint and order. It understands that once the order has been issued, it will be requred to file one or more compliance reports showing that it has fully complied with the order. Darworth Company further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

This order applies to respondent Darworth Company, its successors, assigns, officers, agents, representatives, and employees. Darworth Company is not responsible for the acts of any person which it does not control unless it ratifies those acts. Order provisions apply to any acts taken in connection with Darworth's advertising, offering for sale, sale, or distribution of any wood stain and preservative product, directly or indirectly to consumers, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended.

I. It is ordered, That Darworth Company shall not represent, directly or by implication, that:

A. Any product has been tested by, approved by, or is registered with the United States government, or any state or local government, or any agency of any government, in any manner which implies that the product is recommended or endorsed by any such government or agency. Concerning registration of its products by the Environmental Protection Agency ("EPA"), Darworth Company may make truthful representations which:

1. Are contained in a separate paragraph from other representations;

2. Are restricted to E.P.A. registration information only and;

3. Refer to, as by asterisks, or are accompanied by a statement that clearly and conspicuously discloses that EPA registration does not constitute a recommendation or endorsement of any product or that all products containing a fungicide for wood preservation are required to be registered by the EPA. If referred to by asterisks, this statement shall appear on the page which is the same as, facing, or the next adjacent to, that page containing the representation.

B. The Environmental Protection Agency number displayed on the package of any product indicates that the product's performance as a wood preservative is superior to other wood preservatives.

C. Any product is the only product which meets federal specifications or

other specifications unless no competing products meet these specifications.

II. It is further ordered, That Danworth Company shall not disseminate any unfair or deceptive advertisements or promotional materials.

III. It is further ordered, That Danworth Company maintain complete business records relative to the manner and form of its compliance with this Order. It shall retain each record for at least three years, and shall retain substantiation and other documentation at least two years beyond the last dissemination of any representation or testimonial which relies on the substantiation under the provisions of this Order. Upon reasonable notice, Darworth Company shall make any and all such records available for inspection and photocopying by authorized representatives of the Federal Trade Commission at Darworth Company's place of business or other properly designated location.

IV. It is further ordered, That Darworth Company shall, within 60 days after service upon it of this order, make known to those of its employees or agents who are directly engaged in the sale or offering for sale of its products or in the preparation, creation or placing of advertising or on behalf of Darworth Company, those substantive requirements of the Order which pertain to the responsibilities of each such employee or agent.

V. It is further ordered, That Darworth Company notify the Commission at least thirty days prior to any proposed change in Darworth Company, such as dissolution, assignment or sale resulting in the emergence of any successor corporation or corporations, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

VI. It is further ordered, That Darworth Company shall, within sixty days after service upon it of this Order, file with the Commission a report setting forth in detail the manner and form in which it has complied with this Order.

Darworth Co.

[File No. 802 3001]

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Darworth Company.

The proposed consent order and material submitted by Darworth Company to the Commission that is reasonably related to the merits of the order and is not exempt from disclosure under the Freedom of Information Act have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Darworth Company is a division of E.B. Industries, a Connecticut corporation, which manufactures, sells, and distributes wood stain and preservative products under the brand name "Cuprinol." The Commission's complaint alleges that Darworth disseminates false and misleading advertisements and other promotional materials for its wood stain and presevative products which violate the Federal Trade Commission Act in several respects.

First, Darworth represents that its products are recommended or endorsed by the Environmental Protection Agency when, in fact, no government agency recommends or endorses the products.

Second, Darworth falsely represents that the E.P.A. registration number displayed on the label of its products indicates that the products' performance as wood preservatives is superior to that of other wood preservatives. In fact, all products which contain a fungicide for wood preservation must be registered with the E.P.A.

Finally, Darworth falsely represents that its stain and wood preservative products are the only such products to meet U.S. Government specifications.

Under the terms of the proposed consent order, Darworth is prohibited from disseminating any unfair or deceptive advertisements or promotional materials. Specifically, Darworth may not represent, directly or indirectly, that any stain or wood preservative product is recommended or endorsed by any government body or agency. Any statements concerning registration of its products by the Environmental Protection Agency must be truthful representations which are contained in a separate paragraph from other representations. Such statements must be restricted to E.P.A. registration information only, and must clearly refer to or be accompanied by a statement that discloses either that E.P.A. registration does not constitute a recommendation or endorsement of any product; or that all products containing a fungicide for wood preservation must be registered with the E.P.A. In addition, Darworth may not represent that the E.P.A. registration number is an indication that the product's performance as a wood preservative is superior to other wood preservatives, nor may it claim that Darworth stain and wood preservatives are the only such products which meet federal or other specifications, unless no competing products meet these specifications.

The purpose of this analysis is to facilitate public comment on the proposed order. it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-30754 Filed 10-1-80; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 4

Commodity Pool Operator and Commodity Trading Adviser Regulations; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On August 4, 1980, the **Federal Register** published the Commission's proposed amendments to Part 4 of its regulations, which relates to the operations and activities of commodity pool operators and commodity trading advisors (45 FR 51600). The comment period thereon will expire on September 30, 1980.

The Commission has received requests for an extension of the comment period. Because the Commission wishes to be certain that all parties have an opportunity to finalize and submit their comments, it is allowing an additional fifteen days for comment.

DATES: Accordingly, notice is hereby given that all comments on the Commission's proposed amendments to Part 4 of its regulations (45 FR 51600, August 4, 1980) must be submitted by October 15, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara R. Stern, Special Counsel (202) 254-8955.

Issued in Washington, D.C. on September 26, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-30521 Filed 10-1-80; 8:45 am]

BILLING CODE 6351-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 213

[AID Regulation 13]

Collection of Civil Claims

AGENCY: Agency for International Development.

ACTION: Review of regulation under Executive Order 12044.

SUMMARY: Notice is given that this regulation (at 22 CFR Part 213) governing collection of civil claims by the Agency for International Development is being reviewed in accordance with the Agency's plan to periodically review existing regulations. Public comment is invited. For the current text of this regulation see 22 CFR (Part 213), April 1, 1979 edition.

DATES: Comments on this regulation must be received on or before December 1, 1980.

ADDRESS: Comments should be submitted to: Bruce K. Birnberg, Room 524, SA-12, Office of Financial Management, Agency for International Development, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: Bruce K. Birnberg, Office of Financial Management, Agency for International Development, Washington, D.C. 20523 (202) 632-0162.

Dated: September 19, 1980.

D. G. MacDonald,

Assistant Administrator for Program and Management Services.

[FR Doc. 80-30551 Filed 10-1-80; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 51

[Docket No. R-80-879]

Siting of HUD-Assisted Project in Locations With Marginal or Unacceptable Air Quality

AGENCY: Department of Housing and Urban Development.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: HUD is considering the addition of a new Subpart E to 24 CFR Part 51. This subpart would set forth Departmental requirements governing assistance for housing construction, mortgage insurance, and community development, where the projects would be located in areas exposed to harmful concentrations of air pollutants. The objective is to protect the health of residents and their participation in recreational and other activities related to housing and community services supported by the Department. The intent of the subpart is not to set new ambient air quality standards, which is the responsibility of the Environmental Protection Agency, but to provide HUD field staff with guidelines for making judgments on the suitability of proposed sites located near air pollution sources, e.g., power plants and highways.

DATE COMMENT DUE: December 1, 1980. Interested persons may submit written data, opinions or comments on the need for the rule being considered, its scope, and on any issues it may raise. Comments received on or before December 1, 1980 will be considered prior to the publication of the proposed rule. Each submittal should include name and address of the commentator and the Docket number.

ADDRESS: Statements should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451—Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: James F. Miller or Charles Z. Szczepanski, Office of Environmental Quality, Department of Housing and Urban Development, 451—Seventh Street SW., Washington, D.C. 20410, (202) 755-8909. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development for some time has been concerned that air pollution represents a threat to health, productivity and quality of life in population centers, and that air pollution exposure may have adverse physiological and psychological effects on human beings as well as cause economic losses. The basis for HUD concern stems from the Housing Act of 1949, which sets forth the national goal of "a decent home in a suitable living environment for every American family" and reaffirmed by the Housing and Urban Development Act of 1968, the National Environmental Policy Act of 1969 (NEPA) which requires environmental review of Federally sponsored activities and the Clean Air Act of 1970 as amended in 1974 and 1977, which requires all Federal Agencies to cooperate in implementation of the Act's objectives and establishes necessary intergovernmental procedures.

The principal objective of the rulemaking under consideration would be to assure that HUD-assisted projects are located in a manner so that occupants of such projects are not exposed to unacceptable concentrations of air pollution. The Department is particularly concerned about effects on the elderly, children, the chronically ill, and low and moderate income residents of HUD-assisted projects. A clear Departmental policy on air quality is needed so that housing will not be located in areas with questionable air quality which could adversely affect human health and well being. During the environmental review of HUD-assisted projects, required by NEPA, significant questions may emerge about the air quality impact at individual sites. Without a clear Departmental policy there might be uneven treatment of cases in different localities, and an undue likelihood of poor site selection for some projects.

The Secretary therefore is considering the need to: (a) establish air quality criteria for projects receiving HUD assistance; (b) establish a screening procedure for HUD-assisted activities, including simplified procedures for estimating air pollution concentrations at proposed sites; (c) issue procedures for applying air quality policies and guidance in a systematic fashion as part of the environmental decisionmaking by HUD field offices and by Title I grantees which, under the Housing and Community Development Act of 1974, assume Federal responsibility for environmental review and decisionmaking required by NEPA and related environmental authorities; and (d) establish technical mitigation measures and design guidelines which could result in safe and healthful use of most sites in urban communities. HUD is soliciting comments on these questions and welcomes comments and suggestions on what the most effective guidelines would be for making judgements on the suitability of air quality at proposed sites.

Upon close of the comment period, if the Secretary decides not to proceed with this rulemaking, the termination of this proceeding will not prejudice or foreclose any further rulemaking which the Secretary may initiate with respect to these matters.

If the Secretary proceeds with this rulemaking, he will determine the necessity for preparing either an Environmental Impact Statement or a Regulatory Analysis or both.

(42 U.S.C. 3535(d))

Issued at Washington, D.C., September 25, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-30593 Filed 10-1-80; 8:45 am]

BILLING CODE 4210-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2608

Allocation of Residual Assets

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This is a proposed amendment to the regulation on the allocation of assets in terminating pension plans. The regulation prescribes rules for allocating plan assets among the six priority categories set forth in section 4044 of the Employee Retirement Income Security Act of 1974. This proposed amendment prescribes rules for the distribution of any assets that remain after all plan benefits have been paid in terminating plans that close out pursuant to a Notice of Sufficiency from the PBGC. The amendment is necessary to set forth the rules under which those residual assets may revert to the employer. The amendment is further necessary to establish rules for computing what portion of the residual assets is due to employee contributions, and thus must be returned to the employees, and for distributing residual assets among eligible employees or their beneficiaries. The effect of the amendment, if adopted, would be to provide plan administrators with needed guidance as to how they should distribute any assets remaining after all plan benefits have been paid.

DATES: Comments must be received on or before December 1, 1980.

ADDRESSES: Comments should be addressed to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Copies of written comments will be available for examination at the Pension Benefit Guaranty Corporation, Suite 7000, at the above address, on weekdays between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4895.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation ("PBGC") published an interim regulation (41 FR 48480) governing the allocation of assets of terminating pension plans subject to Title IV of the Employee Retirement Income Security Act of 1974 (the "Act"). That regulation sets forth rules to implement the provisions of section 4044(a) of the Act, which provides that assets of a plan be allocated in turn to each of six priority categories, and applies only to plans that do not close out pursuant to a Notice of Sufficiency from PBGC.

On the same day, PBGC published a proposed amendment to the allocation regulation (41 FR 48492) containing, *inter alia*, allocation rules applicable to plans that do close out pursuant to a Notice of Sufficiency. This supplemental proposal, which also would apply to plans that close out pursuant to a Notice of Sufficiency, contains rules to implement the provisions of section 4044(d) of the Act concerning the allocation and distribution of assets that remain after the allocation of assets to benefits through priority category 6, *i.e.*, residual assets.

General Approach

Section 4044(d) of the Act provides that any residual assets may be distributed to the employer if three conditions are met. Those three conditions are that (1) all liabilities of the plan to participants and their beneficiaries have been satisfied, (2) the distribution is not contrary to any law, and (3) the plan provides for such a distribution to the employer. If those three conditions are met, all of the residual assets may revert to the employer if the plan did not provide for employee contributions. In a contributory plan, however, only a portion of the residual assets may revert to the employer even if all three conditions are met. This is because section 4044(d) also provides that any residual assets attributable to employee contributions shall be equitably distributed to the employees.

Thus, in a contributory plan that provides for reversion to the employer, it is necessary to decide how to allocate the residual assets between the employer and the eligible employees and their beneficiaries. Additionally, it is necessary to determine which employees and beneficiaries will be included in the distribution and how the assets will be allocated among them. This proposed amendment sets forth rules for determining what portion of the residual in a contributory plan is due to employee contributions and rules for allocating that portion among the "pool of eligible participants and beneficiaries", as defined in the proposed amendment.

If the plan, whether contributory or noncontributory, does not provide for reversion to the employer, all residual assets must be divided among the employees and beneficiaries that make up the pool of eligible participants and beneficiaries. The proposed amendment, therefore, also sets forth rules for computing the amount to be distributed to each individual when there can be no reversion to the employer.

Pool of Eligible Participants and Beneficiaries Defined

Under the proposed regulation, the group of employees and beneficiaries eligible to share in residual assets would depend on whether or not the plan provides for reversion to the employer. For plans that do not provide for reversion to the employer, the pool of eligible participants and beneficiaries would consist of those individuals entitled to benefits in priority categories 2 through 6, *i.e.*, all participants with accrued benefits and their beneficiaries. For contributory plans where the employees are entitled only to the residual attributable to employee contributions, the pool of eligible participants and beneficiaries would consist of those individuals entitled to benefits in priority category 2.

In establishing the "pool," the PBGC first determined that the portion of the residual attributable to employee contributions should be distributed to those employees (and beneficiaries) whose contributions are in the plan on the date of plan termination. Thus, only individuals entitled to a priority category 2 benefit would share in the employee portion of the residual. On the other hand, all participants on the date of plan termination should share in the portion of the residual attributable to employer contributions (the total residual in a noncontributory plan). This would be accomplished by including in the pool all individuals entitled to accrued benefits in priority categories 3 through 6. For simplification, the pool is defined as those individuals with benefits in priority categories 2 through 6 whenever total residual assets are to be distributed to employees, although there will be no individuals with priority category 2 benefits in a noncontributory plan. Where the plan provides for mandatory employee contributions but only the employee-derived portion of the residual is to be distributed, the pool is limited to individuals with benefits in priority category 2. This definition coordinates with and supports the

proposed allocation method discussed later.

In defining the pool of eligible participants and beneficiaries, the PBGC considered the provision in section 4044(d) that, in a contributory plan, the residual is to be distributed to those employees (or to their beneficiaries) who made the contributions to which the residual is "attributable." One possible interpretation of that provision would support the inclusion of all employees who had ever contributed to a plan. Normally, however, when an employee withdraws from a contributory plan, his or her contributions are returned with interest. In the case of an employee who had contributed to the plan for only a short time and who withdrew a number of years before the plan terminated, it is likely that only a very small fraction of the residual at the time of plan termination is attributable to that employee's contributions. On the other hand, contributions by long-term employees, even if they withdrew a number of years before termination, may well have given rise to some of the residual assets existing upon termination. However, locating former employees who have been cashed-out would often present formidable administrative problems and could be unjustifiably expensive when measured against the share to which each would be entitled.

The PBGC also considered including in the pool all employees (or their beneficiaries) who had ever been plan participants with nonforfeitable rights to a pension under the plan. This approach, also, would pose enormous administrative difficulties for the plan administrator. Chief among them is that it would often be very difficult, if not impossible, to identify and locate those former participants who had been cashed-out and the attempt could result in the useless exhaustion of the residual assets. Further, even if it were administratively feasible to identify and locate all former participants, the cost of doing so would, again, likely be unjustifiably expensive when measured against the share to which each would be entitled. These problems would be particularly acute in long-established plans or in industries with a high turnover of employees. For these reasons, it seems reasonable to limit the pool of eligible participants and beneficiaries to those employees and beneficiaries to whom the plan has an obligation on the date of plan termination.

Allocation Between Employer and Employees—Contributory Plan

After determining which individuals are eligible to share in any residual, it is necessary in a contributory plan that permits a reversion to the employer to determine what portion of the residual assets is attributable to employee contributions and thus must be returned to the pool members (Section 4044(d)(2) of the Act).

The PBGC considered a number of alternative approaches for establishing the employees' proportionate share of the residual assets, in an attempt to isolate investment gains on employee contributions. However, the PBGC found no simple means of isolating the investment component of the residual assets. Moreover, the PBGC concluded that any such approach could require complex computations and potentially burdensome recordkeeping that might not be justified in light of the amount of assets involved. Therefore, the PBGC is proposing a simplified method of determining the employees' proportionate share of the residual assets that uses figures obtained under the normal allocation process.

Specifically, under the proposed amendment, the employee portion of the total residual assets would be based on the ratio of assets allocated to benefits in priority category 2 to assets allocated to benefits in priority categories 2 through 6. An employer, however, could propose an alternative method that would trace actual investment gains or that would provide a reasonable estimate of investment gains on employee contributions, subject to BPGC approval.

One alternative formula, which resulted from PBGC's attempts to isolate the investment component and which would generally be acceptable to PBGC, is set forth in the proposed regulation. That formula is a 2-step process, requiring, first, that the employee portion of total plan assets be determined according to the ratio of employee contributions remaining in the plan to total employee contributions remaining in the plan plus employer contributions. Both employee and employer contributions would be accumulated at the interest rate used in the plan's actuarial assumptions, a computation that is necessary in order to reflect the timing of contributions. The second step is to determine how much of the employee portion of total plan assets is residual assets. This is done by subtracting from the employee portion of plan assets those assets allocable to plan benefits, *i.e.*, those assets allocated to priority category 2.

Finally, it should be noted that amounts, if any, allocated to priority category 1 on account of voluntary emloyee contributions are not taken into consideration in allocating residual assets. This is consistent with § 204(c) of the Act, which treats that portion of an employee's benefit derived from voluntary employee contributions as benefits derived under a separate plan.

Allocation Among Pool of Eligible Participants and Beneficiaries

After determining whether a plan permits a reversion to the employer and, in a contributory plan, the portion of the residual attributable to employee contributions, any residual to which employees and their beneficiaries are entitled must be allocated among the pool of eligible participants and beneficiaries. Under the proposed regulation, in a noncontributory plan, distribution of residual assets among the pool would be based on the proportionate values of the participants' respective occrued benefits under the plan, *i.e.*, the ratio of an individual's benefits in priority categories 3 through 6 to all benefits in those categories. This ratio is proposed because it appears to be the most logical basis for comparing the interests of pool members, in the absence of contributory amounts.

When considering distribution of residual assets in a contributory plan, on the other hand, it must be kept in mind that the assets being distributed may be the total residual assets or may be only the residual that is attributable to employee contributions. If the residual assets to be distributed are only those attributable to employee contributions, it seems most logical to allocate those assets among the pool members according to their proportionate contributions remaining in the plan on the date of plan termination. Those contributions are reflected in the assets allocated to an individual's priority category 2 benefits, and allocation among the pool would be based on the ratio of an individual's priority category 2 benefits to total priority category 2 benefits.

If the contributory plan does not provide for reversion to the employer, however, the amount to be allocated among the pool members would be the total residual assets. Two possible methods of allocation are apparent. First, all residual assets could be allocated according to the formula established for residual assets attributable to employee contributions, *i.e.*, in proportion to priority category 2 benefits. That method, however, would presume a relationship between employee contributions and the residual

attributable to employer contributions that appears unwarranted. In addition, plan participants who no longer had a priority category 2 benefit because they had received all benefits derived from their own contributions would not share in the employer-derived residual assets.

The second method would allocate the residual assets attributable to employee contributions, to be calculated under the basic rule, using ratios based on employee contributions remaining in the plan, *i.e.*, priority category 2 ratios, and allocate the employer portion of the residual using the proportionate values of the participants' respective accrued benefits under the plan other than benefits in priority category 2, *i.e.*, priority categories 3 through 6 ratios. This is similar to the proposed method of distribution in noncontributory plans, because the two ratios can be combined and expressed as one ratio based on the benefits in priority categories 2 through 6, *i.e.*, the proportionate values of each participant's total accrued benefits under the plan on the date of plan termination. This method would provide equal treatment for participants regardless of whether the plan is contributory or noncontributory, and is the approach taken by PBGC in this proposed amendment.

The PBGC requests members of the public to submit comments on this proposal on or before 60 days after the date hereof. Each person submitting comments should include his or her name and address, identify this notice, and give reasons for any recommendations. The proposal may be changed in the light of the comments received.

In consideration of the foregoing, the Pension Benefit Guaranty Corporation proposes to amend Part 2608 of Chapter XXVI, Title 29, Code of Federal Regulations in the following manner:

1. The table of contents of Part 2608 is recodified to reflect the creation of subparts and the renumbering of sections and the addition of new sections as follows:

PART 2608—ALLOCATION OF ASSETS

Subpart A—General

Sec.
2608.1 Purpose and scope.
2608.2 Definitions.
2608.3 General rule
2608.4 Violations.

Subpart B—Allocation of Assets To Benefit Categories

2608.10 Manner of allocation.
2608.11 Priority category 1 benefits.
2608.12 Priority category 2 benefits.
2608.13 Priority category 3 benefits.
2608.14 Priority category 4 benefits.
2608.15 Priority category 5 benefits.
2608.16 Priority category 6 benefits.
2608.17 Subclasses.

Subpart C—Allocation of Residual Assets

2608.30 Allocation to employer.
2608.31 Residual assets attributable to employee contributions.
2608.32 Allocation among eligible participants and beneficiaries.

Authority: Sections 4002 and 4044, Pub. L. 93–406, 88 Stat. 1004 and 1025 (29 U.S.C. §§ 1302 and 1344).

1a. The following sections are redesignated as set forth below:

Old	New
2608.5	2608.4
2608.4	2608.10
2608.6	2608.11
2608.7	2608.12
2608.8	2608.13
2608.9	2608.14
2608.10	2608.15
2608.11	2608.16
2608.12	2608.17

2. Section 2608.1 is revised as follows:

§ 2608.1 Purpose and scope.

Section 4044 of the Act contains rules for allocating a plan's assets when the plan terminates and has been in effect since September 2, 1974, the date of enactment of the Act.

This part interprets those rules and describes procedures for applying the statutory provisions. Subparts A and B apply to any plan covered by section 4021 of the Act that terminates on or after September 2, 1974. The rules contained in Subpart C, which covers allocation and distribution of residual assets under section 4044(d) of the Act, apply only to plans covered by section 4021 of the Act that terminate on or after [the effective date of this amendment].

3. Section 2608.2 is amended to add the following definitions, each to be inserted in alphabetical order among the definitions now in § 2608.2:

§ 2608.2 Definitions.

* * * * *

"Pool of eligible participants and beneficiaries" means—

(a) For a contributory plan that provides for reversion to the employer, those individuals entitled to benefits in priority category 2; and

(b) For any plan that does not provide for reversion to the employer, those individuals entitled to benefits in priority categories 2 through 6.

* * * * *

"Residual assets" means the plan assets remaining after all liabilities of the plan to participants and their beneficiaries for benefits through priority category 6 have been satisfied.

* * * * *

§ 2608.4 [Amended].

4. In Section 2608.4, formerly § 2608.5, is amended by inserting the words "or to distribute residual assets" between the words "assets" and "other."

5. Part 2608 is amended by adding a new Subpart C after § 2608.17, reading as follows:

Subpart C—Allocation of Residual Assets

§ 2608.30 Allocation to employer.

(a) Except for residual assets that are attributable to employee contributions, as computed under § 2608.31, residual assets in a plan may revert to the employer if—

(1) The plan provides for the return of residual assets to the employer; and

(2) The distribution does not violate any provision of law.

(b) If the requirements of paragraph (a) of this section are not satisfied, residual assets shall be allocated among the pool of eligible participants and beneficiaries in accordance with § 2608.32(a).

§ 2608.31 Residual assets attributable to employee contributions.

(a) If a plan provides for employee contributions, any residual assets attributable to those employee contributions, as determined under paragraph (b) or (c) of this section, shall be allocated among the pool of eligible participants and beneficiaries in accordance with § 2608.32(b).

(b) Unless an alternative method of computation is approved by PBGC pursuant to paragraphs (c) and (d) of this section, the portion of residual assets attributable to employee contributions shall be computed by multiplying the total residual assets by a fraction—

(1) The numerator of which is the present value of all benefits assigned to priority category 2, pursuant to § 2608.12; and

(2) The denominator of which is the present value of all benefits assigned to priority categories 2 through 6, pursuant to §§ 2608.12 through 2608.16.

(c) Notwithstanding the provisions of paragraph (b) of this section, a plan administrator may use an alternative method for determining the portion of residual assets attributable to employee contributions, subject to written approval by the PBGC as provided in paragraph (d) of this section. One example of an alternative that would generally be acceptable is an actual accounting of all moneys attributable to employee contributions. Another example of a formula that would

generally be acceptable to the PBGC is the following:

(1) Multiply total plan assets by a fraction, the numerator of which is total employee contributions to the plan, minus withdrawals or distributions, and the denominator of which is the sum of such employee contributions and all employer contributions to the plan, with all contributions accumulated at the interest rate or rates used in the plan's actuarial assumptions.

(2) Subtract, from the amount determined under paragraph (c)(1) of this section, the total assets allocated to priority category 2, pursuant to §§ 2608.10 and 2608.12.

(d) A plan administrator may request approval of an alternative method under paragraph (c) of this section by submitting to the PBGC a statement describing the alternative method that is proposed and agreeing to neither allocate nor distribute any of the residual assets before written approval is received from PBGC. The statement must be submitted no later than 30 days after the date a Notice of Sufficiency is issued under Part 2615 of this chapter, addressed to Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. For purposes of this section, a statement is deemed submitted on the date on which it is postmarked by the United States Postal Service or, if not postmarked, on the date it is received by the PBGC.

§ 2608.32 Allocation among the pool of eligible participants and beneficiaries.

(a) *Plans that do not provide for reversion to the employer.* Subject to the provisions of paragraph (c) of this section, in a plan to which § 2608.30(b) applies, the share of each member of the pool of eligible participants and beneficiaries in the residual assets shall be computed by multiplying total residual assets by a fraction—

(1) The numerator of which is the present value of the member's benefits assigned to priority categories 2 through 6, pursuant to §§ 2608.12 through 2608.16; and

(2) The demoninator of which is the present value of all benefits assigned to priority categories 2 through 6, pursuant to §§ 2608.12 through 2608.16.

(b) *Contributory plans that provide for reversion to the employer.* Subject to the provisions of paragraph (c) of this section, the share of each member of the pool of eligible participants and beneficiaries in the residual assets in a contributory plan that provides for reversion to the employer shall be computed by multiplying the residual assets allocable to the pool of eligible participants and beneficiaries, as computed under § 2608.31 (b) or (c), by a fraction—

(1) The numerator of which is the present value of the member's benefits assigned to priority category 2, pursuant to § 2608.12; and

(2) The denominator of which is the present value of all benefits assigned to priority category 2, pursuant to § 2608.12.

(c) Any amount allocated to a member under paragraph (a) or (b) of this section is subject to reallocation by the Secretary of the Treasury to the extent that the allocation would result in disqualification of the plan or discrimination prohibited by the Internal Revenue Code of 1954, as amended, and regulations issued thereunder.

Issued in Washington, D.C. this 29th 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 this Notice of Proposed Rulemaking.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 80-30742 Filed 10-1-80; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1621-6]

California State Implementation Plan Revision: Lake, Great Basin Unified, Modoc, Imperial and San Bernardino Air Pollution Control Districts

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Lake, Great Basin Unified, Modoc, Imperial and San Bernardino Air Pollution Control Districts' (APCDs) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comment on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted until December 1, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated evaluation reports are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814.

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

In addition copies of the revisions and EPA's evaluation are available at the respective APCDs with the following addresses:

Lake County Air Pollution Control District, 255 N. Forbes Street, Lakeport, CA 95453.

Great Basin Unified Air Pollution Control District, 873 No. Main Street, Suite 213, Bishop, CA 93514.

Modoc County Air Pollution Control District, 202 W. Fourth Street, Alturas, CA 96101.

Imperial County Air Pollution Control District, 940 W. Main Street, El Centro, CA 92227.

South Coast Air Quality Management District—Eastern Zone, 22850 Cooley Drive, Colton, CA 92324.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 556-2938.

SUPPLEMENTARY INFORMATION: The California Air Resources Board, the Governor's designee, submitted the following rules and regulations on the indicated dates, as revisions to the California SIP:

Lake

May 23, 1979

Rule 227.1—Gross Megawatt Hour.
Rule 254.1—Steam Transmission Lines.
Rule 660—Renewal Fees.

October 15, 1979

Rule 433—(Agricultural Burning Exceptions)

Great Basin

December 17, 1979

Rule 205—Action on Applications.
Rule 210—Conditional Approval.
Rule 300A, G—Permit Fees.
Rule 403—Breakdown.
Rule 408—Burning of Agricultural Wastes.
Rule 419—Gasoline Loading Into Stationary Tanks.
Rule 617—Emergency Variance.

Modoc

May 7, 1979

Rule 1:2w—Definitions—"Standard Conditions".
Rule 2:11—List and Criteria.
Rule 2:15—Breakdown Conditions; Emergency Variances.
Rule 3:3—Particulate Matter.
Rule 3:4—Specific Air Contaminants.

Imperial

November 4, 1977

Rule 417 (A–H, J)—Organic Solvents.

October 15, 1979

Rule 101L—Definitions: Multiple Chamber Incinerator.
Rule 110—Stack Monitoring.
Rule 201B—Permits Required.
Rule 301—Permit Fees.
Rule 302—Fee Schedules.
Rule 304—Technical Reports—Charges For.
Rule 306—Agricultural Burning Permit Fees.
Rule 401—Opacity of Emissions.
Rule 404—Particulate Matter Emissions—Process Weight.
Rule 406—Specific Contaminants.
Rule 408—Frost Protection and Orchard Heaters.
Rule 410—Scavenger Plants.
Rule 417I—Organic Solvents.
Rule 418—Disposal and Evaporation of Solvents.
Rule 419—Reduction of Animal Matter.
Rule 422—Open Burning Wood Waste.
Regulation VI—Emergency Regulations.
Rule 701—Definitions.
Rule 702—Prohibitions.
Rule 703—Cotton Gin Waste Burning (deletion).
Rule 705—Range Improvement Burning.
Rule 706—Penalty Clause.

December 24, 1979

Rule 111—Equipment Breakdown.
Rule 413—Definitions—Vapor Recovery Rules.
Rule 414—Storage of Organic Liquids at Terminals and Bulk Loading Facilities.
Rule 416—Oil Effluent Water Separators.
Rule 416—Gasoline Specifications (deletion).
Rule 617—Emergency Variance.

San Bernardino

May 23, 1979

Rule 480—Natural Gas Fired Control Devices.
Rule 501.1—Assistance to Small Business.

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as SIP revisions. All rules submitted have been evaluated and determined to be in accordance with the Clean Air Act, 40 CFR Part 51 and EPA policy, with certain exceptions.

Therefore, it is the purpose of this notice to propose to approve all the rule revisions listed above and to incorporate them into the California SIP, with the exception of the rules discussed below.

Certain additional rules, which were included with the above submittals, concerning new source review and volatile organic compounds, will be addressed in separate **Federal Register** notices.

Modoc

Rule 2:15, *Breakdown Conditions; Emergency Variances*, does not give adequate assurance that the National Ambient Air Quality Standards (NAAQS) will not be exceeded during variance periods. Therefore, the rule is proposed to be disapproved.

Imperial

No action will be taken on the deletion of Rule 703, *Cotton Gin Waste Burning*, because it is not part of the approved SIP and thus its deletion does not need to be requested.

Section B of Rule 111, *Equipment Breakdown*, is proposed to be disapproved because it references Rule 617 which is proposed to be disapproved.

Rule 617, *Emergency Variance*, is partially unenforceable because it includes reference to Rule 601 which does not exist in the approved SIP. Rule 617 also does not give adequate assurance that the NAAQS will not be exceeded during variance periods. For these reasons Rule 617 does not fulfill SIP requirements and is proposed to be disapproved.

The Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been met.

The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA has reviewed the revisions being acted upon in this notice and has determined that they are "specialized" revisions not subject to the procedural requirements of Executive Order 12044.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)))

Dated: September 18, 1980.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 80-30715 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 123

[FRL 1624-5]

Kentucky's Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Notice of public hearing and public comment period.

SUMMARY: Regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). The hazardous waste management program regulations include provisions for authorization of State programs to operate in lieu of the Federal program and for a transitional stage in which States can be granted interim program authorization. This document announces the availability for public review of the Kentucky application for Phase I interim authorization, invites public comment, and gives notice of a public hearing to be held on the application.

DATE: Comments on the Kentucky interim authorization application must be received by November 10, 1980.

PUBLIC HEARING: EPA will conduct a public hearing on the Kentucky interim authorization application at 7:00 p.m. on Monday, November 3, 1980. The State of Kentucky will participate in the public hearing held by EPA on this subject.

ADDRESSES: Copies of the Kentucky interim authorization application are available at the following addresses for inspection and copying by the public:

Division of Hazardous Materials and Waste Management, Department of Natural Resources and Environmental Protection, Pine Hill Plaza, 1121 Louisville Road, Frankfort, Kentucky 40601, Telephone: 502/564-6716.

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881-4216.

Written comments should be sent to: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881-3016.

The public hearing will be held at: Capitol Plaza Complex Auditorium, Wilkerson Blvd. and Metro Street, Frankfort, Kentucky 40610.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881-3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection

Agency promulgated regulations, pursuant to The Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

1. Have been in existence prior to August 17, 1980, and

2. Be substantially equivalent to the Federal program.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479).

As noted in the May 19, 1980, **Federal Register** copies of complete State submittals for Phase I interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

Dated: September 26, 1980.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 80-30814 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 393

[BMCS Docket No. MC-95; Notice No. 80-9]

Parts and Accessories Necessary for Safe Operation

Correction

In FR Doc. 80-29431, appearing at page 63535 in the issue of Thursday, September 25, 1980, the "DATE" paragraph in the preamble should have read, "Comments must be received on or before January 22, 1981.

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 296

Fishermen's Contingency Fund

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

ACTION: Proposed rulemaking.

SUMMARY: The National Marine Fisheries Service proposes to amend the Fishermen's Contingency Fund (FCF) regulations to allow the Office of the General Counsel to close a claim file when a claimant withdraws a claim or abandons it by failing to respond to a notice of deficiencies or when a financially responsible party admits liability. The Agency also proposes minor changes in the contents of the claim application and an amendment to allow a claim to be processed when sufficient, rather than all, information requested for a claim application has been submitted.

DATE: Comments must be received by November 3, 1980.

ADDRESS: Submit written comments to the Chief, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven St., N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Ms. Kathryn Hensley, Program Leader, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven St. N.W., Washington, D.C. 20235. Phone (202) 634-4688.

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

On January 24, 1980 (45 FR 6062), NOAA published final regulations implementing Title IV, but reserved § 296.10, which deals with procedures for adjudication of claims by an ALJ.

On July 2, 1980 (45 FR 44942), NOAA published § 296.10 and several minor changes to the previously issued regulations to improve their clarity or to delete from the required contents of a claim application several items of information which were generally not necessary for the resolution of a claim.

The purpose of the amendment to allow the General Counsel to close a claim file is to eliminate unnecessary procedural steps when a claim has been abandoned or withdrawn or when a financially responsible party admits liability. Since the final disposition of these files will not involve compensation from the Fund, no interested party will be adversely affected. Consequently, procedures involving public notice and adjudication by an ALJ are unnecessary for files which have, in effect, ceased to be claims.

The proposed amendment to permit processing of a claim when sufficient, rather than all, information requested for a claim application has been submitted results from the agency's experience that not all information required under § 296.7(e) is essential to an accurate and equitable claim decision in some cases. The amendment will prevent unnecessary delays occasioned by requiring claimants to provide information which is often not very relevant to a decision on their claims.

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

Signed this 29th day of September 1980, in Washington, D.C.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

(Pub. L. 95-372; 92 Stat. 629; 43 U.S.C. section 1841 *et seq.*)

Accordingly, 50 CFR Part 296 is proposed to be amended as follows:

§ 296.7 Instructions for filing claims. [Amended]

1. Section 296.7 is proposed to be amended by:

a. Revising the prefatory clause of paragraph (e) to read as follows:

* * * * *

(e) *Contents.* Each claim shall be signed by the claimant and shall accurately and completely provide the following information, or so much of the information as the Chief, FSD, determines is necessary to process the claim:

* * * * *

b. by revising paragraph (e)(7) to read as follows:

* * * * *

(e) * * *

(7) A statement of: the type of fishing operation being conducted (for example, trawling for shrimp) and the type and size of vessel involved;

* * * * *

c. By revising paragraph (e)(10)(iv) to read as follows:

* * * * *

(e) * * *

(10) * * *

(iv) If the lost or damaged gear is not replaced or repaired before the claim is filed, estimates from two different commercial fishing gear repair or supply companies of the present replacement cost of the fishing gear and the repair cost of the fishing gear (if it is repairable). If fishing gear of the type lost or damaged is unsually made or repaired by the claimant, a detailed estimate prepared by the claimant identifying the repair or replacement cost of the fishing gear may be included in place of one of the estimates from commercial fishing gear repair or supply companies;

* * * * *

d. Revising paragraph (e)(10)(v) to read as follows:

* * * * *

(e) * * *

(10) * * *

(v) If the fishing gear is repaired or replaced before a claim is filed under this Part, a copy of the itemized invoice or receipt for the repair or replacement of the fishing gear. If the fishing gear of the type lost or damaged is usually made or repaired by the claimant, an itemization of all costs (including receipts for materials) prepared by the claimant may be submitted in place of a receipt or invoice from a commercial fishing gear repair or supply company. The Chief, FSD, may request a second-source estimate for replacement or repair costs; and

* * * * *

§ 296.8 NMFS Processing of Claims. [Amended]

2. Section 296.8 is proposed to be amended by:

a. Revising paragraph (a)(3)(iv) to read as follows:

(a) * * *

(3) * * *

(iv) If any person admits responsibility under paragraph (a)(3)(ii) of this section or otherwise, the Chief, FSD, will so inform the claimant and will not take any further action on the claim. If the person admitting responsibility later denies, or withdraws the admission of, responsibility, the Chief, FSD, will resume processing the claim. If the person admitting responsibility does compensate the claimant for the loss with respect to which the claim was filed, the Chief, FSD, will forward the claim to the General Counsel for action under paragraph (d)(1) of this Section.

* * * * *

b. Revising paragraph (b)(1) to read as follows:

* * * * *

(b) * * *

(1) *General.* The Chief, FSD, will promptly review each claim filed under Section 296.7 and determine whether it is timely filed within the 60-day period specified in § 296.7(c), sufficiently complete under § 296.7(e) to allow processing, and eligible on its face;

* * * * *

c. Revising paragraph (b)(3)(i) to read as follows:

* * * * *

(b) * * *

(3) * * *

(i) If the Chief, FSD, finds that the claim is not sufficiently complete to allow processing, the Chief, FSD, will send to the claimant a written notice stating the deficiency in the claim.

* * * * *

d. Striking the word "properly" in paragraph (c)(1) and inserting in lieu thereof the word "sufficiently";

e. Revising paragraph (d)(1) to read as follows:

* * * * *

(d) * * *

(1) *Concerning timeliness, completeness and eligibility of claims.* The General Counsel will review any finding made by the Chief, FSD, under paragraphs (b) (2), (3), or (4) of this section, and will determine whether to send the claim, together with an official agency recommendation that the claim be denied, to the ALJ for an expedited proceeding under Section 296.10(1) of this Part. If the General Counsel finds that the claimant has abandoned the claim by failing to respond to a notice of deficiency sent by the Chief, FSD, under paragraph (b)(3) of this section, or by expressly withdrawing the claim from further consideration or by accepting payment from another source, the General Counsel may close the file without further action under this Part 296, regardless of whether public notice of such a claim has been given under paragraph (a) of this section.

[FR Doc. 80-30682 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-12-M

Notices

Federal Register
Vol. 45, No. 193
Thursday, October 2, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Authorization for Watershed Planning

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of authorization for watershed planning.

FOR FURTHER INFOMATION CONTACT: Concerned State Conservationists of the Soil Conservation Service. Eddie L. Wood, State Conservationist, Soil Conservation Service, USDA Building, University of Maine, Orono, Maine 04473, telephone number (207) 866–2132; Roland R. Willis, State Conservationist, Soil Conservation Service, Argicultural Building, Farm Road and Brumley Street, Stillwater, Oklahoma 7404, telephone number (405) 624–4360; William B. Lingle, State Conservationist, Soil Conservation Service Wright Building, 138 South Gay Street, P.O Box 311, Auburn, Alabama 36830, telephone number (205) 821–8070; Jerome C. Hytry, State Conservationist, Soil Conservation Service 4601 Hammersley Road, Madison, Wisconsin 53711, telephone number (608) 252–5351; Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone number (916) 758–2200; and Lynn A. Brown, State Conservationist, Soil Conservation Service, 360 U.S. Courthouse, W. 920 Riverside Avenue, Spokane, Washington 99201, telephone (509) 456–3711.

NOTICE: The concerned state Conservationists of the Soil Conservation Service have been authorized to provide planning assistance to local organizations for the following six watersheds: Kelly-Preston Mill Creek Watershed, Alabama; Carney Creek Watershed, Oklahoma; Lovejoy Pond Watershed, Maine; Maiden Rock Coulee Watershed, Wisconsin; Pleasant Valley Creek Watershed, Washington; and Lower Silver Creek Watershed, California. The State Conservationists may proceed with investigations and surveys as necessary to develop the watershed plan under authority of the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and in accordance with requirements of the National Environmental Policy Act of 1969, Pub. L. 91–190.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 10, 1980.

Norman A. Berg,

Chief.

[FR Doc. 80–30553 Filed 10–1–80; 8:45 am]

BILLING CODE 3410–16–M

Haikey Creek, Squirrel Creek, Wagon Creek, Cache Creek Bottom, Dumpling-Beaver Creek, and Bixby Conservancy District No. 25 Watersheds, Oklahoma; Federal Funding Deauthorized

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Associate Deputy Chief for Natural Resource Projects, Soil Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3587).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (1 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Haikey Creek (Tulsa County), Squirrel Creek (Pottawatomie County), Wagon Creek (Alfalfa, Grant, and Garfield Counties), Cache Creek Bottom (LeFlore County), Dumpling-Beaver Creek (Pushmataha and Choctaw Counties), and Bixby Conservancy District No. 25 (Tulsa County) Watershed projects, Oklahoma, effective on September 10, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 24, 1980.

Verne M. Bathurst,

Deputy Chief for Administration.

[FR Doc. 80–30666 Filed 10–1–80; 8:45 am]

BILLING CODE 3410–16–M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I (the Act) and paragraph 8.b. of Office of Management and Budget Circular No. A–63 (revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on November 13, 1980 from 10 a.m. to 6 p.m. and on November 14, 1980 from 8:30 a.m. to 2 p.m. at 2201 C Street, NW, Washington, DC, in Room 5941.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 12065 dated June 28, 1978.

The meeting will be closed to the public in accordance with the determination of September 22, 1980 made by the Director of the U.S. Arms Control and Disarmament Agency pursuant to Section 10(d) of the Act and paragraph 8.d.(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11686 dated October 7, 1972 and continued by Executive Order 11769 dated February 21, 1974.

Dated: September 24, 1980.

Charles R. Oleszycki,

Advisory Committee, Managment Office.

[FR Doc. 80–30664 File 10–1–80; 8:45 am]

BILLING CODE 6820–32–M

CIVIL AERONAUTICS BOARD

[Order 80-9-131]

Application of Air California for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (Order 80-9-131)

SUMMARY: The Board is instituting the Air California Subpart Q Proceeding, Docket 38416 and is proposing to grant Air California unrestricted certificate authority under Section 401 of the Federal Aviation Act of 1958, as amended, in the Los Angeles-Fresno and Fresno-San Francisco markets. The proceeding is being processed under the expedited procedures of Subpart Q of the Board's Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the requested authority shall file, and serve upon all persons listed below, no later than October 31, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38416 which we have entitled the Air California Subpart Q Proceeding. They should be addressed to the Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

In addition, copies of such filings should be served on Air California, Pacific Southwest Airlines, United Airlines, Inland Empire Airlines and Golden Gate Airlines; the California Department of Transportation, Aeronautics Division; the Mayors of Los Angeles, Monterery, Fresno and San Francisco; the Airport Managers of Los Angeles International Airport, Fresno Air Terminal, Monterey Peninsula Airport and San Francisco International Airport.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Krevor, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-9-131 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-9-131 to that address.

By the Bureau of Domestic Aviation: September 23, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-30662 Filed 10-1-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-9-140; Dockets 33340 and 38744]

Time Limits for Filing Overcharge Claims; Show Cause Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of September, 1980.

Time Limits for Filing Overcharge Claims in Effect for Alitalia-Linee Aeree Italiane, British Airways, Deutche Lufthansa Aktiengesellschaft, Linea Aerea Nacional Chile (LAN), Qantas Airways Limited, South African Airways, CF Air Freight, Inc. (Docket 33340) and Time Limits for Filing Overcharge Claims in International Air Transportation (Docket 38744): Order Vacating Show Cause Order 79-5-197 and Instituting Different Show Cause Proceeding.

Generally, by October 1976, a number of carriers had reduced the period within which shippers had to file overcharge freight claims in foreign transportation from two years to 180 days. As a result of a complaint, we ordered each of the carriers to justify the shorter period or to lengthen it (Order 79-1-41, dated January 4, 1979). We subsequently concluded tentatively that two years was the appropriate time limit for the filing of such claims, and directed all interested persons to show cause why we should not make final that finding by requiring tariff provisions containing a limit of not less than two years. (Order 79-5-197, May 24, 1979).

All carriers in the proceeding, except CF Air Freight, Inc., (CF) presented statements in response to our order.[1] No shippers or shipper organizations formally responded to our order.[2]

In response to Order 79-5-197, the carriers generally assert that: the 180-day rule has been in effect for some time; no complaints about the implementation of the 180-day rule have been received by the carriers; sophisticated shippers prepare their own shipping documents, and, thus, should be charged with the responsibility of reviewing their work promptly; the maintenance of documentation for auditing is an additional burden and cost, which may be passed on to all shippers in order to subsidize the inefficiency of certain shippers; the Board's proposal to prescribe a claims rule of not less than two years in foreign air transportation is unlawful for lack of jurisdiction; shippers have filed no comments, and there is no basis for the conclusion that the 180-day rule is unreasonable; and, since shippers routinely uncover overcharge claims within the 180-day period, there is no reason for delayed filing of claims.

While, as indicated, we received no formal response to our order from any shipper or shipper representative, we have in the past received letters complaining about the reduced time periods for filing overcharge claims.[3] These shippers have claimed that they do not ordinarily have copies of the air tariffs needed to audit the freight bills they receive, and consequently the majority are audited by an outside company; and the 180-day time limits are so short that they themselves would have to audit these bills in order to capture the overcharges.

Upon further consideration, we have decided that Order to Show Cause 79-5-197 should not be finalized. We have, instead, tentatively concluded that all rules which set forth time limits for the filing of freight overcharge claims in international air transportation should no longer be placed in tariffs. We are therefore ordering all interested parties to show cause why such tariff rules should not be cancelled.

It is not apparent to us that carriers need more immunity from overcharge claims than is available or assertable under ordinary contract law. Apart from tariff provisions, statutes of limitations put upward bounds on the time during which refund claims must be honored. Carriers may also be able to limit their liability further through specific contractual provisions. This, of course, is standard practice in unregulated industries, as it also has been in the case of domestic cargo transportation for nearly two years. This proceeding shows that any uniform industry or carrier time limits published in tariffs would be arbitrary to the extent that what may be acceptable or fair to one shipper may be unacceptable or unfair

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[1] CF, an air freight forwarder, previously responded to Order 79-1-41, stating that if all the direct carriers were to have a two-year rule, it would change its own rule accordingly.

[2] We had served our order upon Northwest Traffic Associates, Inc., Council for Safe Transportation of Hazardous Articles, National Industrial Traffic League, National Small Shipments Traffic Conference, Puget Sound Traffic Association, Shippers National Freight Claim Coucil, and the Society of American Florists, and had it published in the **Federal Register**.

[3] We have received letters of complaint from Tradeship Management, an auditor; Woodward and Lothrop; Oconomowoc Manufacturing Corp.; Johnson Controls, Inc.; Goodman-Reichwald-Dodge, Inc., an auditor; Rexnord Hydraulic Components and Industrial Traffic Consultants, Inc. Copies have been placed in the public docket.

to another. Given the high variability of possible circumstances, we see no utility in continuing to try to set a minimum industry standard for determining what is just and reasonable. The elimination of tariff rules stating uniform time limits for filing overcharge claims will permit the carriers and customers to tailor time limits to meet individual conditions. This added flexibility should far outweigh whatever burden is involved in additional negotiations.

Section 403(a) of the Federal Aviation Act states that tariff rules shall only be filed as the Board may prescribe. To the extent that our tariff regulations in 14 CFR Part 221, and in particular § 221.38, presently require the inclusion of such rules in tariffs, an appropriate waiver could, of course, be provided. We believe, consistent with our policy favoring an orderly transition to a less regulated air transportation system, that the marketplace is a more efficient governor of most rules and practices than is the Board. We can find no aspect of these time limitations which require the Board's special expertise to establish substantive standards for them.

While we are aware that competitive conditions are far from perfect in many international markets, we are tentatively convinced that time limits for the filing of overcharge claims would be suitable elements of competition among carriers, and that we should encourage carriers to establish such limits through direct contractual arrangements with shippers. Further, we tentatively believe that the establishment of such time limits through contract is a more efficient and economic method than through the current tariff system.

Accordingly, 1. We shall vacate our tenative findings in Order 79-5-197, Docket 33340, May 24, 1979, that two years is the appropriate time limit for filing overcharge claims in foreign transportation and requiring all carriers to cancel tariffs providing for shorter limits;

2. We direct all interested parties to show cause why we should not issue an order making final our tentative findings and conclusions stated herein to order cancelled all tariff rules setting time limits for the filing of airfreight overcharge claims, and granting a waiver from Part 221 of the Board's Economic Regulations to the extent that any air carrier or foreign air carrier is required to include its practices requiring such time limits in tariffs filed with the Board;

3. Any interested party objecting to the issuance of such an order shall, within 25 days after the service of this order, file with the Board in Docket 38744 a statement of objection which shall set forth in detail any facts, economic or statistical data, and other evidence relied upon in support of the objection. Answers to objections shall be filed with the Board within an additional 7 days;

4. The Complaint of Northwest Traffic Associates, Inc., in Docket 33340 is dismissed and the Docket is closed; and

5. We shall serve a copy of this order upon Alitalia-Linee Aeree Italiane, British Airways, Deutche Lufthansa Aktiengesellschaft, Linea Aerea Nacional Chile (LAN), Qantas Airways Limited, South African Airways, CF Air Freight, Inc., Northwest Traffic Associates, Inc., Council for Safe Transportation of Hazardous Articles, National Industrial Traffic League, National Small Shipments Traffic Conference, Puget Sound Traffic Association, Shipper National Freight Claim Council, Society of American Florists, Industrial Traffic Consultants, Inc., the International Air Transport Association; and on all certificated air carriers and on all foreign air carriers.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[4]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-30661 Filed 10-1-80; 8:45 am]

BILLING CODE 6320-01-M

[4] All members concurred.

DEPARTMENT OF COMMERCE

Bureau of the Census

Survey of Distributors' Stocks of Canned Foods; Notice of Consideration

Notice is hereby given that the Bureau of Census is planning to conduct its annual survey of inventories, covering stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, as of December 31, 1980. This survey, which will be conducted under the provisions of title 13, United States Code, sections 182, 224, and 225, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, as well as governmental agencies. The data are not publicly available from nongovernmental or other governmental sources.

This survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the **Federal Register.**

Reports will not be required from all firms, but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods in order to provide year-end inventories of the specified canned foods in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases, with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms will be requested to update the list of their establishments maintaining canned food stocks.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233. Any suggestions or recommendations concerning the subject matter of this survey will receive consideration if submitted in writing to the Director on or before November 3, 1980.

Dated: September 29, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-30675 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-07-M

Survey of Retail Sales and Inventories; Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1981 the Annual Retail Trade Survey, which has been conducted each year since 1951 (except 1954) under title 13, United States Code, sections 182, 224, and 225. This survey of retail firms is conducted to collect data covering year-end inventories, accounts receivable balances, and annual sales. This survey, which would provide data for 1980, is the only continuing source available on a comparable classification and timely basis for use as a benchmark for developing estimates of retail inventory, accounts receivable, and sales.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources.

Such a survey, if conducted, shall begin not earlier than December 31, 1980.

Reports will be required only from a selected sample of firms operating retail establishments in the United States, with probability of selection based on their sales size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey will receive consideration if submitted in writing to the Director of the Bureau of the Census on or before December 17, 1980.

Dated: September 29, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-30676 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 15-80]

Foreign-Trade Subzone No. 44A, Woodbridge, N.J.; Application To Extend Operational Period

Notice is hereby given that the Department of Labor and Industry of the State of New Jersey, Grantee of Foreign-Trade Zone No. 44 and Subzone No. 44A, has requested authority from the Foreign-Trade Zones Board to extend for two years the operational period for Foreign-Trade Subzone No. 44A, located in the Township of Woodbridge, Middlesex County, New Jersey, which was authorized as a temporary site for two years on October 19, 1978, and was activated on February 11, 1980. The temporary subzone is located at the Ronson Corporation plant in Woodbridge where zone procedures are used in connection with the testing, cleaning, and repackaging of imported lighters and parts for domestic and foreign sales. Plans call for the relocation of the subzone to general-purpose zone No. 44 in Morris County, New Jersey, as soon as that facility is ready for occupancy. The extension at the present site is requested because of a delay in the activation of the Morris County site.

Interested parties wishing to comment on this request should submit their comments to the Executive Secretary, Foreign-Trade Zones Board, Room 2006, U.S. Department of Commerce, Washington, D.C. 20230. Submissions should be postmarked no later than October 8, 1980.

Dated: September 29, 1980.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 80-30670 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Cornell University; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00113. Applicant: Cornell University, Baker Laboratory of Chemistry, Ithaca, New York 14853. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda-Physik, West Germany. Intended use of Article: The article is intended to be used to provide a high energy source of light at numerous wavelengths in the ultraviolet. It will be used to produce large quantities of free radicals by surface photo-desorption for the study of the chemistry of surface catalysis, electron spin resonance spectroscopy, and energy transfer of the free radicals. The systems to be studied are relevant to energy conversion, surface chemistry and chain reaction chemistry. Two post-doctoral students and two graduate students will use the article for their research and will learn fundamental techniques of laser applications in chemical and physical research while using it. Application received by Commissioner of Customs: December 31, 1979.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a high energy source of light at numerous wavelengths of which one is 100 millijoules (mJ) at 351 nanometers (nm) for xenon fluoride (XeF) gas. The most closely comparable domestic instrument is the Model 250XR manufactured by Tachisto, Inc., Needham, MA 02194. The Model 250XR also provides an energy source of light at numerous wavelengths, but at 351 nm for XeF gas it provides 50 mJ or half that of the foreign article. The National Bureau of Standards advises in its memorandum dated May 8, 1980 that the feature of the foreign article described above is pertinent to the purposes for which the foreign article is intended to be used and it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended uses. We therefore find that the Model 250XR is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer, Ph. D.

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-30564 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-25-M

Texas A. & M. University; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00116. Applicant: Texas A&M University, College Station, Texas 77843. Article: Waverider Receiver, type WAREP Mark II F., and Accessories. Manufacturer: Datawell bv, The Netherlands. Intended use of Article: The article is intended to be used to study the characteristics of ocean waves along the Texas coast. Wave heights, periods, directions and energy density spectra will be investigated. The data gathered will be analyzed to determine modification in wave conditions between buoy locations due to shoaling, refraction,

diffraction and reflection. Application Received by Commissioner of Customs: December 31, 1979.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent sufficient value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides wave height determination based on the measurement of the vertical acceleration of its surface buoy, data transmission without the use of cables, and relatively long wave records for statistical analysis. The National Oceanic and Atmospheric Administration advises in its memorandum dated April 28, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer, Ph. D.,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-30565 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-25

University of California at Los Angeles; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00194. Applicant: University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: X-Ray Apparatus with Accessories. Manufacturer: Leybold-Heraeus, West Germany. Intended use of Article: The article is intended to be used primarily for modern physics demonstrations of X-ray effect, Bragg diffraction, Compton scattering, and nuclear decay and attenuation in the courses 3C 8D, and 8E.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides protection for high voltage and experimental areas by enclosing these areas in radiation safe housing. The National Bureau of Standards advises in its memorandum dated July 2, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Stanley P. Kramer, Ph. D.,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 80-30566 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-25-M

University of California; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 79-00310. Applicant: University of California, College of Chemistry, Purchasing Department, 2405 Bowditch Street, Berkeley, CA 94720. Article: G.V. Planar Vapor Synthesis Unit, Model VSP-302 and Accessories. Manufacturer: Oxford Instruments Inc., United Kingdom. Intended use of Article: The article is intended to be used for vaproizing refractory metals such as tungsten at high rates (up to 5 gm per hour) by the use of a twin electron beam which a shielding design so that none of the reactant organic molecules suffer any electron beam damage. Investigations will include critical chemical and catalytic studies of arene-transition metal complexes and the exploratory synthesis efforts in the preparation of new binary zerovalent (or low-valent) transition metal phosphine, $M(PR_3)_x$, and phosphite, $M[P(OR)_3]_x$ complexes and of new coordinately unsaturated metal clusters. Application received by Commissioner of Customs: June 12, 1979.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides rapid evaporization rate for tungsten (approximately 5 grams per hour). The National Bureau of Standards advises in its memorandum dated April 14, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer, Ph. D.

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-30567 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-25-M

Perchlorethylene From Italy; results of administrative review of antidumping finding

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

ACTION: Notice of Results of Administrative Review of Antidumping Finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on perchlorethylene from Italy. The scope of the review is limited to the only known producers—Rumianca S.p.A. and Montedison S.p.A.—and to the period

February 2, 1979 through April 30, 1980. The review has disclosed no imports of perchlorethylene from Italy during this period. There are no known unliquidated entries. As a result of the review, the Department has preliminarily decided to require cash deposts equal to the calculated margins on the last known shipments for which margins have been found. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Catherine P. Reasoner, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3813).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1979, a dumping finding with respect to perchlorethylene from Italy was published in the **Federal Register** as Treasury Decision 79-151 (44 FR 29046). On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce (hereinafter referred to as "the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative review of all outstanding dumping findings. As required by Section 751 of the Tariff Act of 1930 (hereinafter referred to as the "Act"), the Department has conducted an administrative review of the finding on perchlorethylene from Italy.

Scope of the Review

The imports covered by this review are perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothing, but is also used in other applications such as vapor degreasing of metals.

Perchlorethylene is provided for in item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only two Italian producers or exporters of perchlorethylene to the United States. Those firms are Rumianca S.p.A. and Montedison S.p.A.

The review covers the period February 2, 1979 through April 30, 1980.

Results of Review

The review has shown there to be no imports of perchlorethylene from Rumianca S.p.A. and Montedison S.p.A. for the period February 2, 1979, the date of the suspension of liquidation, through April 30, 1980. There are no unliquidated entries. The fair value weighted average margins were 37.8 percent in the case of Rumianca and 29 percent in the case of Montedison. The shipments covered by the fair value investigation represent the last known imports of perchlorethylene from Italy. Based on the absence of sales since that time, I preliminarily determine that a cash deposit, as required by § 353.48(b) of Commerce Regulations, of 37.8 percent of the entered value in the case of Rumianca and 29 percent of the entered value in the case of Montedison will be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. The cash deposit requirement in the published final results will remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on this preliminary determination on or before November 3, 1980, and may request disclosure and/or a hearing on such determination on or before October 17, 1980. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (93 Stat. 175, 19 U.S.C. 1675(a)(1)) and § 353.53 of Commerce Regulations (19 CFR 353.53, 45 FR 8205).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 29, 1980.

[FR Doc. 80-30624 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-25-M

Perchlorethylene From Belgium; results of administrative review of antidumping finding

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

ACTION: Notice of Results of Administrative Review of Antidumping Finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on perchlorethylene from Belgium. The scope of the review is limited to the only known producer—Solvay & CIE—and to the period February 2, 1979 through April 30, 1980. The review has disclosed no imports of perchlorethylene from Belgium during this period. There are no known unliquidated entries. As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margins on the last known shipments for which margins have been found. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Catherine P. Reasoner, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3813).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1979, a dumping finding with respect to perchlorethylene from Belgium was published in the **Federal Register** as Treasury Decision 79-150 (44 FR 29045-29046). On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce (hereinafter referred to as "the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative review of all outstanding dumping findings. As required by Section 751 of the Tariff Act of 1930 (hereinafter referred to as the "Act"), the Department has conducted an administrative review of the finding on perchlorethylene from Belgium.

Scope of the Review

The imports covered by this review are perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothing, but is also used in other applications such as vapor degreasing of metals. Perchlorethylene is provided for in item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one Belgian producer or exporter of

perchlorethylene to the United States. That firm is Solvay & CIE.

The review covers the period February 2, 1979 through April 30, 1980.

Results of Review

The review has shown there to be no imports of perchlorethylene from Solvay & CIE for the period February 2, 1979, the date of the suspension of liquidation, through April 30, 1980. There are no known unliquidated entries. The fair value weighted average margin for Solvay was 150 percent. The shipments covered by the fair value investigation represent the last known imports of perchlorethylene from Belgium. Based on the absence of sales since that time, I preliminarily determine that a cash deposit, as required by Section 353.48(b) of Commerce Regulations, of 150 percent of the entered value will be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. The cash deposit requirement in the published final results shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on this preliminary determination on or before November 3, 1980, and may request disclosure and/or a hearing on such determination on or before October 17, 1980. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (93 Stat. 175, 19 U.S.C. 1675(a)(1)) and § 353.53 of Commerce Regulations (19 CFR 353.53, 45 FR 8205).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 29, 1980.

[FR Doc. 80-30625 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-25-80-M

Perchlorethylene From France; Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Adminstration.

ACTION: Notice of results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on perchlorethylene from France. The scope of the review is limited to the only known producer—Rhone-Poulenc Petrochimie—and to the period February 2, 1979 through April 30, 1980. The review has disclosed no imports of perchlorethylene from France during this period. There are no known unliquidated entries. As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margins on the last known shipments for which margins have been found. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: October 3, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Catherine P. Reasoner, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3813).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1979, a dumping finding with respect to perchlorethylene from France was published in the **Federal Register** as Treasury Decision 79-149 (44 FR 29045). On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce (hereinafter referred to as "the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative review of all outstanding dumping findings. As required by Section 751 of the Tariff Act of 1930 (hereinafter referred to as the "Act"), the Department has conducted an administrative review of the finding on perchlorethylene from France.

Scope of the Review

The imports covered by this review are perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothing, but is also used in other applications such as vapor degreasing of metals.

Perchlorethylene is provided for in item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one French producer or exporter of perchlorethylene to the United States. That firm is Rhone-Poulenc Petorchimie.

The review covers the period February 2, 1979 through April 30, 1980.

Results of Review

The review shows no imports of perchlorethylene from Rhone-Poulenc Petrochimie for the period February 2, 1979, the date of the suspension of liquidation, through April 30, 1980. There are no known unliquidated entries. The fair value margin for Rhone-Poulenc Petrochimie was 47.82 percent. The shipments covered by the fair value investigation represent the last known imports of perchlorethylene from France. Based on the absence of sales since that time, I preliminarily determine that a cash deposit, as required by § 353.48(b) of Commerce Regulations, of 47.82 percent of the entered value will be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. The cash deposit requirements in the published final results shall remain in effect until publication of the final results of the next adminstrative review.

Interested parties may submit written comments on this preliminary determination on or before November 3, 1980 and may request disclosure and/or a hearing on such determination on or before October 17, 1980. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (93 Stat. 175, 19 U.S.C. 1675(a)(1)) and § 353.53 of Commerce Regulations (19 CFR 353.53, 45 FR 8205).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 29, 1980.

[FR Doc. 80-30626 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Public Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) and three Subcommittees. The Committee meeting (MAFAC XXV) will be held on Wednesday and Thursday, October 22 and 23, 1980, at the U.S. Department of Commerce, Room 4830, 15th Street and Constitution Avenue,

NW., Washington, D.C. with meetings starting at 8:30 a.m. Adjournment is planned for noon on Thursday.

Three Subcommittees will meet on Tuesday, October 21, 1980, in the Page Building No. 2, 3300 Whitehaven Street, NW., Washington, D.C. The Subcommittee on Marine Recreational Fisheries will meet in Room 401 at 9:00 a.m., the Subcommittee on Fishing Vessel Safety will meet in Room 536 at 9:00 a.m., and the Subcommittee on Consumer Affairs will meet in Room 536 at 1:15 p.m. Evening sessions of the three Subcommittees will be held on October 21, if necessary to complete unfinished business.

Agenda items for the MAFAC Committee meeting include: NMFS Presentation on Possible Formation of Marine Sanctuary Subcommittee; NMFS Description of Current Regional Economic Status of Major Commercial and Recreational Fisheries; NMFS Presentation on Energy and Habitat Protection; Reports of three Subcommittees noted above which meet on October 21; and other miscellaneous items.

The Committee and Subcommittee meetings are open to the public and there will be seating for approximately 25 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact: Ms. Penelope Fields, Acting Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-7355.

At the discretion of the Chairperson, interested members of the public may be permitted to speak at times which allow an orderly conduct of Committee business, and a reasonable time relationship between the Committee's discussion of a given subject, and comments to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so at the address noted above. To receive due consideration and facilitate their inclusion in the record of the meeting, written statements should be received within 10 days after the close of the committee meeting.

Dated: September 26, 1980.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 80-30691 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-22-M

National Climate Program Advisory Committee; Meeting

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Climate Program Advisory Committee. This notice also describes the functions of the Committee. Pursuant to Section 10(a) of the Federal Advisory Committee Act 5 U.S.C. App., notice is hereby given of a meeting of the National Climate Program Advisory Committee. The purpose of this meeting is to review various aspects of the National Program, including the Federal-State Cooperative Climate Program, and the establishment of Experimental Climate Forecasting Groups. A report will also be made to the Committee on the impact of the recent (summer 1980) heat wave.

DATE: October 27, 1980, 9:00 a.m. to 12:00 p.m.; October 28, 1980, 8:30 a.m. to 5:00 p.m.

ADDRESS: National Science Foundation, 1800 "G" Street, NW., 20550, Room 543, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Edward S. Epstein, Director, National Climate Program Office, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852 (301/443-8646).

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the National Climate Program Act (Pub. L. 367) which requires the Secretary of Commerce to establish and maintain an advisory committee of users and producers of climate data, information and services to advise the Secretary and the Congress on the conduct of the Program. The Committee, consists of 12 members with a balanced representation from energy, agriculture, consumer and business groups, from several academic disciplines, and from industrial climatology.

The Agenda for the meeting is:

Monday, October 27, 1980: Room 543, National Science Foundation Building, 1800 "G" Street, NW. 20550.

9:00 a.m. to 12 noon—Briefings to the Committee on the status of the 5-Year Plan, the Federal-State Cooperative Program, the Experimental Climate Forecasting Centers, and the impact of the recent heat wave.

Tuesday, October 28, 1980:

8:30 a.m. to 12 noon—Concurrent meetings of the Panels on Program Management and Program Priorities.

2:00 p.m. to 3:00 p.m.—Reports to the Committee by the Panel Chairman on their deliberations concerning management of the program and priorities.

3:00 p.m. to 5:00 p.m.—Discussion of matters relating to Committee business, future meetings and assignments.

The meeting will be open to the public and a period will be set aside at the discretion of the Chairman for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before October 20th. Other public statements regarding Committee affairs may be submitted at any time before the meeting. Seating will be available for the public on a first-come, first-served basis in Conference Room 543 of the National Science Foundation Building. Copies of the minutes will be available on request 30 days after the meeting.

Dated: September 26, 1980.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 30550 Filed 10-1-80; 8:45 am]

BILLING CODE 3510-22-M

COMMUNITY SERVICES ADMINISTRATION

Waiver of Non-Federal Share Requirement for All Agreements With Historically Black Colleges and Universities

AGENCY: Community Services Administration.

ACTION: Notice of non-federal share waiver.

SUMMARY: The Community Services Administration is filing a notice of waiver of the non-Federal share requirement for all agreements with historically Black colleges and universities. The waiver will enable these colleges and universities to participate in the Agency's programs despite their lack of economic resources to match Federal grant funds.

DATE: This waiver is effective October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline G. Lemire, Telephone (202) 254-5047. Teletypewriter (202) 254-6218.

(Sec. 602, 78 Stat. 530; (42 U.S.C. 2942))

William W. Allison,

Deputy Director.

Notice of Waiver of the non-Federal Share Requirement for All Agreements with Historically Black Colleges and Universities.

1. *Purpose.* This notice is issued to inform the public that the Community Services Administration is waiving the

non-Federal share requirement for all agreements with historically Black colleges and universities commencing October 2, 1980, and of the criteria on which the waiver is based.

2. *Background.* On August 8, 1980 the President signed Executive Order 12232, Historically Black Colleges and Universities. The goals of this Executive Order are "* * * to overcome the effects of discriminatory treatment and to strengthen and expand the capacity of historically Black colleges and universities to provide quality education * * *." The Executive Order requires that each Executive Agency pay particular attention to identifying and eliminating unintended regulatory barriers that might impede efforts to increase participation of these colleges and universities in the Agency's programs. In reviewing its regulatory requirements CSA has determined that its matching share requirement is one such barrier. Past inequities and discriminatory treatment resulted in minimum participation of these colleges and universities in Federally-sponsored programs. This, in turn, has contributed to the fact that, in general, these colleges and universities lack the resources, both cash and in-kind, to meet the matching requirements thus perpetuating minimum participation. Therefore, CSA has determined that it would impose an unnecessary hardship on historically Black colleges and universities to require them to match Federal funds.

3. *Waiver Criteria.* Under the authority of Section 225(c) of the Economic Opportunity Act of 1964, as amended, the Director is waiving the non-Federal share for all agreements with historically Black colleges and universities since, often due to external causes, they lack the cash and in-kind resources to meet these requirements. Therefore, to require them to match Federal funds would impose an unnecessary hardship, including the inability to participate in CSA programs.

4. *Automatic Waiver.* This waiver is automatic and does not require a request for waiver from the applicant for CSA funds.

[FR Doc. 80-30443 Filed 10-1-80; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Review Panel on ASW; Advisory Committee Meeting

An ASW Review Panel under the Defense Science Board will meet in closed session on 22 October 1980 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The ASW Review Panel will review the technical aspects of ASW programs in the 22 October meeting.

In accordance with 5 U.S.C. App 1 § 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

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

September 26, 1980.

[FR Doc. 80-30591 Filed 10-1-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Program of Research Grants on Desegregation Studies; Closing Dates for Applications

AGENCY: National Institute of Education.

ACTION: Notice of Closing Dates for Applications Under the Program of Research Grants on Desegregation Studies.

Notice is given that applications are being accepted for grants in the Program of Research Grants on Desegregation Studies according to the authority contained in Section 405 of the General Education Provisions Act, as amended (20 USC 1221e).

This announcement covers applications for new awards that are to be considered in Fiscal Year 1981. Awards will be made for research to increase or synthesize knowledge about desegregation in elementary and secondary education, and to study issues in the desegregation of higher education institutions.

A college, university, State, local or intermediate educational agency, public or private non-profit or for-profit agency, or organziation, group, individual, or any combination of these, is an eligible applicant. A grant to a for-profit organization is subject to any special conditions that the Director may prescribe.

Closing Dates for Small Grants

	Applications due
Elementary/secondary and higher education desegregation.	Nov. 25, 1980.

Closing Dates for Major Grants

	Preapplications due	Applications due
Elementary/secondary desegregation.	Nov. 25, 1980...	Apr. 1, 1981.
Higher education desegregation.	Apr. 1, 1981.....	Sept. 17, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to the Proposal Clearinghouse, Mail Stop 1, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. The lower left-hand corner of the package should display the words, "Desegregation Studies," and the type of application, "Small Grant," or "Major Grant Application," or "Preapplication," and "Elementary/Secondary" or "Higher Education."

The applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, neither of the following is acceptable to the Secretary as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should specifically request that a dated post mark be affixed by its local post office.

An applicant is encouraged to use registered or at least first class mail. Any application or preapplication which is not received by the deadline dates in this notice will be considered in the next round of the competition or returned upon request.

Applications Delivered by Hand: A hand-delivered application must be taken to the Proposal Clearinghouse, National Institute of Education, Room 813, 1200 19th Street, N.W., Washington, D.C. The Proposal Clearinghouse will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal

holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing dates in this notice, but will be considered in the next round of the competition or returned upon request.

Application and Program Information: Persons who wish to receive a copy of the program announcement may request one by sending a self-addressed mailing label to the Desegregation Studies Team, EPO, Mail Stop 20, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208 (202-254-8897). (A Stamped envelope is not usable.) Those who have requested that their names be placed on the mailing list for the program need not repeat their requests. This grants announcement covers the initial years of the program, contains the guidelines governing the program, information on the availability of funds, expected number of awards, eligibility and review criteria, and application instructions.

This program covers two types of grants: small grants and major grants. A small grant is for a project for no longer than 12 months duration and for an amount that does not exceed $15,000 plus indirect costs. An application for a small grant does not require a preapplication. A major grant is for a project in excess of $15,000 for direct costs. A project supported by a major grant under this program may take up to three years' duration but initial funding in most case will not exceed 12 months, with subsequent funding contingent upon satisfactory performance and the availability of funds. As application that proposes a multi-year project must be supported by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and the budget estimates necessary to attain the objectives in any years subsequent to the first year of the project.

An application for a major grant is made in two-stages. An applicant for a major grant must first submit a preapplication (formerly called a preliminary proposal) and may submit an application (formerly called a full proposal) only after receipt on NIE comments on the preapplication. Consideration of a preapplication is disigned to strengthen an application that is submitted later and to discourage the submission of an application having litte chance of award. However, no applicant who has submitted a preapplication will be denied the opportunity to present an application.

Estimated Distribution of Program Funds: Approximately $700,000 is available in FY 1981 to fund projects. Small grants in both areas of elementary/secondary and higher education desegregation will be made in April, 1981. Only major grants in the area of elementary/secondary desegregation will be made in July, 1981. Major grants in the area of higher education desegregation will be made by December, 1981. NIE expects to award approximately 6-8 major grants and 10-15 small grants in FY 1981. Only projects of the highest quality will be supported, whether or not the resources of the program are exhausted. Further, nothing in the program announcement should be construed as committing NIE to award any specific amount. The total amount allocated to these grants may be increased or decreased by the Director of NIE, based on the merits of grant applications received.

Applicable Regulations: The regulations applicable to this program include the Education Division General Administration Regulations (EDGAR) (45 CFR Parts 100a and 100c), pulished in the **Federal Register** on April 3, 1980, 45 FR 22494, the National Institute of Education General Provisions (45 CFR Parts 1400-1410), amended and published in the **Federal Register** on April 3, 1980, 45 CFR 22543, and the amended regulation for the Educational Equity Research Grants Program (45 CFR Part 1490), published in the **Federal Register** on April 3, 1980, 45 FR 22546.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development; formerly 13.950.) Part 1 of OMB Circular No. A-95 does not apply to this grants competition.

Dated: September 25, 1980.

F. James Rotherford,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 80-30600 Filed 10-1-80; 8:45 am]

BILLING CODE 4000-05-M

DEPARTMENT OF ENERGY

Proposed Contract Award

AGENCY: Department of Energy.

ACTION: Notice of proposed contract award.

SUMMARY: In accordance with the Department of Energy Procurement Regulations, DOE gives public notice that a contract is being awarded, after taking into account the existence of potential organizational conflicts of interest, because this procurement is determined to be in the best interests of the United States.

FOR FURTHER INFORMATION CONTACT:

E. Eugene Ecklund, U.S. Department of Energy, Office of Transportation (CS-813), Room 5H 070 (202) 252-8055.

John Dormin, U.S. Department of Energy, Office of Procurement Operations (PR-544), Room 1J-015, (202) 252-2050.

Determination and Findings

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 this procurement is determined to be in the best interests of the United States, pursuant to the authority of Department of Energy Procurement Regulation 41 CFR 9-1.5409(a)(3).

Findings

(1) The Department of Energy (DOE), Office of Conservation and Solar Energy is currently developing techniques for the use of alcohol fuels in highway and off-road vehicles and conducting associated system and subsystem studies of the impacts of using such fuels on various parties including motorists, society, and industry. In conjunction with this it is proposed to assess the impacts of alcohol fuels on the refining industry.

(2) In connection with the promulgation of these standards, it is necessary for the Office of Conservation and Solar Energy to retain skilled and experienced professionals to collect information and perform analysis on the total refining industry and a selected cross section thereof. Through normal competitive practice DOE has solicited proposals and selected Bonner & Moore Associates, Inc., as the potential contractor. Bonner & Moore Associates, Inc., is an independent consulting company that provides services to a broad range of organizations in the refining industry.

(3) In accordance with 41 CFR 9-1.5405, Bonner & Moore Associates, Inc., has provided disclosure of information concerning their interests related to the contract work to be performed. Specifically 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, or (2) whether an unfair competitive advantage may be conferred on a contractor as a result of performing specific tasks. It has been judged that a potential conflict of interest exists because Bonner & Moore Associates, Inc., has an extensive business relationship with the refining industry and derives a substantial portion of its income therefrom.

Bonner & Moore Associates, Inc., has made several assessments for the

Federal Government over the recent past years which have shown objectivity and a lack of bias. It is considered important to the refining industry as a whole and to individual refiners, large and small, to know the intended results and many would not be able to conduct such as assessment on their own. Since Bonner & Moore Associates, Inc., serve a number of potential and actual organizations in the refining industry it is potentially in their best interest to be unbiased in conducting this work. The nature of the study and its results, which will be in the public domain, are not anticipated to provide Bonner & Moore Associates, Inc., with an unfair competitive advantage based on the performance of the contract.

Further, the selection of Bonner & Moore Associates, Inc., results from a competitive solicitation for a negotiated procurement. The three offerers judged to be in the competitive range include Bonner & Moore Associates, Inc., and two major refiners. Thus, any of this group would have a potential conflict of interest. Bonner & Moore Associates, Inc., has a broader association with the industry than the other two and this is favorable in these considerations.

Mitigation, to the extent feasible, under Section 9–1.5409(a)(3), will be obtained by (1) independent staff review by DOE officials; (2) use of established practices to evaluate and verify the material developed by Bonner & Moore Associates, Inc.; (3) administrative procedures through which peer review and public distribution allow mitigation of potential conflicts in the data and analysis.

Determination

In light of the above findings, I hereby determine in accordance with 41 CFR 9–1.409(a)(3) that award of this contract would be in the best interest of the United States.

Issued in Washington, D.C. September 25, 1980.

T. E. Stelson,

Assistant Secretary Conservation and Solar Energy.

[FR Doc. 80-30607 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Finding of No Significant Impact; Improved Uranium Utilization Program

AGENCY: Department of Energy.

ACTION: Proposed finding of no significant impact for a research, development, and demonstration program to improve uranium utilization in light water reactors.

SUMMARY: The Department of Energy has prepared an environmental assessment for its research, development, and demonstration program to improve uranium utilization in light water reactors. The Department has determined that the proposed Finding of No Significant Impact should be made available for public review for 30–days before making its final determination whether to prepare an environmental impact statement.

The proposed program, which involves several phases, will be conducted in selected existing commercial boiling and pressurized light water reactors. The purpose of the program is to develop and demonstrate the use of slightly enriched uranium-oxide fuels capable of obtaining peak fuel rod burnups of approximately 65,000 megawatt days per metric ton of uranium which corresponds to a batch-average discharge exposure of 45,000 to 55,000 megawatt days per metric ton of uranium. (For comparison, current batch-average discharge exposures range from 26,000 to 33,000 megawatt days per metric ton of uranium.) In conjunction with modified fuel management schedules, use of the improved design fuel would result in a reduction in the amount of fuel replaced at each refueling interval, and ultimately, in a reduction of the environmental impacts associated with the uranium fuel production cycle.

The initial focus of the program will be on extending uranium-oxide fuel of current design to an intermediate burnup objective of 30,000–40,000 megawatt days per metric ton of uranium by extending the irradiation period for selected test fuel assemblies. Beginning in late 1980, fuel specifically designed for higher burnups will be fabricated for test irradiation in several reactors. Because these test irradiations will require five to seven years, development and demonstration of the higher burnup designed fuel is expected to extend to 1988 and possibly beyond. Upon successful completion of the research, development, and demonstration aspects of the program, it is expected that the technology developed will receive widespread use in commercial light water reactors. The program implications of uranium mining and milling, fuel design and fabrication, fuel management, transportation, safety, and spent fuel storage requirements for the research, development and demonstration aspects of the program, as well as the environmental impacts expected with full scale commercialization, are evaluated in the environmental assessment.

There are no significant environmental impacts expected during test irradiations of small amounts (about 3%) of current design fuel to achieve the intermediate burnup objectives. No changes to existing facilities or to any aspects of fuel design or fuel use will be required. Radionuclide release from extended burnups of the current design fuel will be within normal facility design considerations and no change in the safety and accident considerations of light water reactors are expected.

There are no significant environmental impacts expected during test irradiations of the improved-designed uranium-oxide fuel. Existing facilities can be adapted easily to the production, testing, and demonstration of the improved-design fuel. There will be no significant effect on current uranium mining and milling, fuel production and fabrication, transportation and safety, and spent fuel storage requirements during the demonstration phase. No changes in occupational or site boundary radiation doses are expected.

Commercial implementation of the program is expected to result in an overall improvement in environmental impacts associated with the uranium fuel cycle. Use of the improved fuel is expected to reduce uranium mining and milling requirements. Consequently, associated requirements (e.g., land use, fuel fabrication, and transportation) also will be reduced. Reduction in the amount of spent fuel requiring storage (40%) will be offset by an increase in the cooling capacity required for the storage.

Alternatives to the improved uranium utilization program that were considered in the environmental assessment are (1) rely on utilities and vendors to carry out the demonstration program independent of Federal funding (2) international cooperation (3) use of other fuel cycles and (4) no action.

Single copies of the environmental assessment are available from: George Sherwood, Program Manager, NE-53, U.S. Department of Energy, Washington, D.C. 20545, 301–353–3481.

Comments on the proposed finding of no significant impact should be sent to Mr. George Sherwood at the above address and postmarked no later than November 3, 1980.

FOR FURTHER INFORMATION CONTACT: Robert H. Strickler, NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of Assistant Secretary for Environment, EV–11, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 202–252–4610.

Issued in Washington, D.C. this 29th day of September, 1980.

Lynda Brothers,

Acting Assistant Secretary for Environment.

[FR Doc. 80-30719, Filed 10-1-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

General Petroleum Products, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c) the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to General Petroleum Products, Inc.

This Proposed Remedial Order charges General with pricing violations in the amount of $195,125 in sales of motor gasoline, middle distillates and fuel oils during the time period November 1, 1973, through April 30, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. Within 15 days of publication of this notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Kansas City, Missouri, on the 24th day of September, 1980.

William D. Miller,

District Manager, Central Enforcement District.

Concurrence:

David H. Jackson,

Chief, Enforcement Counsel.

[FR Doc. 80-30722 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-01-M

Pester Derby Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c) the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Pester Derby Oil Company.

This Proposed Remedial Order Charges Pester Derby with pricing violations in the amount of $590,888 in sales of motor gasoline and middle distillates during the time period November 1, 1973, through May 8, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before October 17, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Kansas City, Missouri, on the 24th day of September, 1980.

William D. Miller,

District Manager, Central Enforcement District.

Concurrence:

David H. Jackson,

Chief, Enforcement Counsel.

[FR Doc. 80-30720 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52416-6120-22, 23-22]

Puget Sound Power & Light Co., Whitehorn Generating Station Units 2 and 3; Decision and Order Granting Exemptions From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order granting permanent peakload exemptions from the prohibitions against the construction of new powerplants without the capability to use an alternate fuel as a primary energy source and the use of petroleum or natural gas as a primary energy source by new powerplants which are contained in Section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

BACKGROUND: On October 2, 1979, Puget Sound Power and Light Company (Puget Sound) filed two petitions with ERA for peakload powerplant exemptions to use petroleum or natural gas as a primary energy source in two planned 81,000 KW oil- and gas-fired combustion turbine powerplants at its Whitehorn Generating Station (Whitehorn 2 and 3) in Whatcom County, Washington. Additional information was required and revised petitions were submitted on December 14, 1979.

ERA accepted the petitions on January 22, 1980, and published notice of its acceptance, together with a statement of the reasons set forth in the petitions for requesting the exemptions, in the **Federal Register** on January 31, 1980 (45 FR 6896). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to Section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended March 17, 1980. Comments on Puget Sound's petitions were received from over 50 persons, including various commercial and industrial firms, educational institutions, municipalities, the Washington Utilities and Transportation Commission, and the Washington State Energy Office on behalf of the Governor of the State of Washington. Requests for a public hearing to be held in Seattle or elsewhere in the State of Washington were received from the Oil Heat Institute of Washington (OHIW), the Northwest Towboat Association, the Washington Contract Loggers Association, the Washington State Grange, the Washington Dump Truck Association, and the Washington Log Truckers Conference.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Determination (TSD) was prepared which recommended that ERA issue an order which would grant the requested permanent peakload exemptions to use petroleum or natural gas in Whitehorn 2 and 3, subject to certain terms and conditions. A notice of public hearing and availability of the TSD was published in the **Federal Register** on June 11, 1980 (45 FR 39534).

Persons who had made a request to participate in the public hearing were invited to attend a pre-hearing conference which was held in Seattle, Washington, on June 30, 1980. Those and other persons attended the pre-hearing conference and made oral statements which were placed in the record of this proceeding. In addition, the Presiding Officer established a service list.

A notice of public hearing to be held in Seattle, Washington, beginning on August 18, 1980, was issued on July 11, 1980, and published in the **Federal Register** on July 16, 1980 (45 FR 47784). The public hearing was held in Seattle, Washington on August 18 and 19, 1980. Oral statements made at the public hearing by a number of individuals on their own behalf or on behalf of the organizations which they represented were placed in the record of this proceeding. In addition, participants were provided an opportunity to question ERA staff and other participants in the hearing. The concerns and issues raised by various participants at the public hearing are addressed below. ERA personnel responsible for consideration of the petitions and preparation of the TSD attended the public hearing and answered questions relating to the TSD.

Following the public hearing, the record remained open for a period of 14 days, during which time several

additional comments were received by ERA. On September 17, 1980, the Presiding Officer certified the record and provided ERA with an index of the issues addressed.

On the basis of the entire record of this proceeding, including an analysis of the public comments, ERA has determined to grant the exemptions requested by Puget Sound in its petitions. This order grants Puget Sound two permanent peakload powerplant exemptions to use petroleum or natural gas in Whitehorn 2 and 3, subject to the terms and conditions enumerated below.

Based upon information provided by Puget Sound, ERA conducted an analysis which was reviewed by the DOE' s Office of Environment, in consultation with the Office of the General Counsel, and DOE has concluded that the granting of this exemption is not a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA). Accordingly, neither an environmental impact statement nor an environmental assessment is required.

DATES: This order will not take effect earlier than December 1, 1980.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461; phone (202) 653-4055.

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3012 B, Washington, D.C.; phone (202) 653-4208.

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6G-087, Washington, D.C. 20585; phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The ERA published Interim Rules on May 15, 1979, and May 17, 1979 (44 FR 28530 and 44 FR 28950, respectively) to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act). Title II of FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted. Final Rules applicable to new facilities issued by ERA on May 30, 1980, were published in the **Federal Register** on June 6, 1980 (45 FR 38276) and became effective August 5, 1980.

A number of issues were raised during the public hearing which some participants asserted were not adequately addressed in ERA's Tentative Staff Determination (TSD). These issues are discussed below.

On April 1, 1980, ERA made a formal request for additional information from Puget Sound which had previously been requested in the course of informal discussions held on March 12, 1980. Puget Sound subsequently supplied this information to ERA on May 1, 1980. On Arpil 7, 1980, OHIW requested copies of that information and also requested that the public comment period be reopened to allow submission of additional comments on Puget Sound's petitions, as supplemented. OHIW asserted that "failure to reopen the comment period to allow public comment on this new information will result in an unfair limitation on the public's opportunity to place responsive material on the record prior to issuance of the Tentative Staff Determination." ERA agreed that OHIW and other interested persons should have an opportunity to review and comment on the additional information requested by ERA and furnished by Puget Sound. However, ERA did not agree that such review and comment was necessary prior to the issuance of the TSD. In fact, ERA considers its formal request for information and Puget Sound's response to be an appropriate method for placing on the record, as required by Section 501.32 of the Final Rules (45 FR 38289), the material presented to ERA at the informal conference.

One of the issues raised at the public hearing was whether ERA had performed an adequate analysis of the feasibility of using alternate fuels as a primary energy source for the Whitehorn units. ERA does not believe that such analysis was required prior to the consideration of Puget Sound's petitions. Where a petitioner proposes to use natural gas as a primary energy source in a proposed peakload powerplant, Section 212(g)(2)(A) of the Act and 10 CFR Part 503.41(a)(2) requires that the Administrator of the Environmental Protection Agency or the Director of the appropriate state air pollution control agency certify to the Secretary of the Department of Energy that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded. However, in this case, ERA determined that there were no available alternate fuels which could be used in the proposed powerplants therefore, no such certification could be made. Accordingly, the certification requirement was waived with respect to Puget Sound's petitions.

OHIW also challenged the sufficiency and acceptability of Puget Sound's certification that Whitehorn Units 2 and 3 will be operated solely as peakload powerplants. OHIW alleges that the terms of Puget Sound's certifications indicate that the use of the proposed powerplants will exceed the hours of operation permitted by peakload exemptions.

Puget Sound's certifications state that "this certification is not made and the restriction on operation shall not apply with respect to operation of this unit which * * * (ii) is in accordance with any other exemption which may be obtained, or (iii) is not in violation of applicable laws and regulations from time to time in effect." ERA does not believe that this language invalidates the certification. The Fuel Use Act regulations (see 10 CFR 503.40(e)) recognize situations where petitioners may qualify for other exemptions in addition to a peakload powerplant exemption. It is also expected that Puget Sound will comply with all applicable laws and regulations.

At the August 18, 1980, hearing, OHIW presented testimony challenging Puget Sound's certifications based on statements made by Puget Sound representatives in contexts apart from this proceeding. Those, statements, OHIW contends, indicate that Puget Sound plans to use the proposed Whitehorn, units for other than peakload purposes. Rather than specifically addressing Puget Sound's peakload requirements, those statements reflect Puget Sound's views with respect to their overall energy supply, the prospects for achieving benefits from load management techniques, the impact of decisions by the Washington Utilities and Transportation Commission on Puget Sound's operations, and the restrictions on peakload powerplants imposed by the Act.

In support of its belief that Puget Sound plans to use the units for other than peakload purposes, OHIW cited a memorandum dated April 3, 1980, from DOE's Region X Regional Representative to the Director of ERA's Powerplants Conversion Division and Puget Sound's "Application for a Prevention of Significant Deterioration Permit" (PSD permit) for Whitehorn 2 and 3. This memorandum from the Regional Representative contained a number of comments on Puget Sound's petitions, and expressed concern over the use of combustion turbines to meet short-term electrical shortfalls. The

application for PSD permit contained an analysis assuming operation of the units in excess of 1500 hours per year.

The statements attributed to various Puget Sound representatives can be construed to indicate some confusion over what the Act or ERA would consider to be a peakload purpose in terms of Puget Sound's load and resource characteristics. However, such statements do not indicate that Puget Sound intends to violate the Act or terms and conditions of any order granting an exemption. ERA believes, notwithstanding any interpretation given Puget Sound's certifictions or other statements, that the provisions of this order are controlling with respect to the lawful use of Whitehorn 2 and 3. The Act and ERA's implementing regulations (10 CFR 501.181) provide penalties which would be applicable if either Puget Sound or its corporate personnel violate the provisions of the regulations of this order.

A peakload powerplant is defined by the Act as a "powerplant the electrical generation of which in kilowatt hours does not exceed, for any 12-month period, such powerplant's design capacity multiplied by 1,500 hours" (Section 103(a)(18)(A)). Under ERA's Final Rules, peakload hours are defined as "those hours of each month in which petitioner's hourly load is expected to exceed 80 percent of the estimated monthly maximum hourly load." As indicated in the TSD, ERA staff reviewed load information submitted by Puget Sound for the years 1976, 1977 and 1978. In recognition of the fact that the monthly maximum hourly load in the winter is approximately twice the monthly maximum hourly load in the summer, ERA staff identified Puget Sound's peakload hours as 7 am to 10 pm, Monday through Friday, November through March. However, in view of Puget Sound's hydroelectric resources, ERA now believes that less oil and gas would ordinarily be consume if Puget Sound were permitted more operating flexibility. For example, ERA believes that less petroleum and natural gas will be used for peakload purposes in the Pacific Northwest if operation of the combustion turbines is not confined to such peakload hours in November through March. Due to the energy storage capability of the hydroelectric powerplants in the Pacific Northwest, ERA believes that permitting Puget Sound to delay operation of its units until water conditions are better known each year, will result in less petroleum or natural gas being used in years during which average or above average water conditions prevail.

ERA believes that limiting the units to the amount of generation specified by the Act's definition of peakload powerplant is sufficient to address the concerns expressed by the DOE Regional Representative in his April 3, 1980, memorandum. ERA also believes that the "worst case analysis" performed by Puget Sound for purposes of obtaining a PSD permit, which was premised on operation in excess of 1500 hours of operation, should be considered only with respect to that permit and does not necessarily indicate a planned use in excess of the amount permitted by a peakload exemption. Moreover, OHIW's testimony at the public hearing concerning the need for Whitehorn 2 and 3 indicates that it fails to recognize the fact that the Act defines a peakload powerplant in terms of energy output (1500 hours x maximum design capacity) rather than capacity of the unit.

During the course of the administrative proceeding concerning these petitions, a number of persons have submitted information and views regarding distillate fuels and electricity. Concern was voiced by many persons regarding the impact of past and potential shortages of such energy forms. Widely varying opinions were offered as to the adequacy of future supplies of such energy forms. A number of recommendations were made for the purpose of influencing the terms and conditions ERA might include in any final order granting Pudget Sound's petitions. Such recommendations included: (1) a proposal that Puget Sound's existing and proposed Whitehorn units be limited to the exclusive use of natural gas or residual oil; (2) the conversion of such units to combined cycle operation; (3) a limitation on the amount of distillate fuel authorized to be used to permit no more than 14 days of opeation which Puget Sound had indicated would be required to meet potential natural gas curtailments during a period of adverse hydro conditions; (4) a requirement for the future use of alcohol or other alternate fuels in the Whitehorn units; and (5) additional conservation measures.

Section 214(a) of the Act gives ERA the authority to include in any order granting an exemption, appropriate terms and conditions "requiring the use of effective fuel conservation measures which are practicable and consistent with the purposes of this Act." Thus, while information regarding fuel supplies or the need for additional generating capacity are not material to the grant or denial of a peakload exemption, such information may be employed by ERA in making a determination with respect to appropriate terms and conditions. Other factors such as the conservation efforts already undertaken by a utility may also be considered by ERA. In this case, Puget Sound's conservation program has been described as "puny in comparison with those undertaken by other utilities" and also as being "light years ahead of most other utilities in the nation." Both assessments were made on behalf of OHIW.

ERA believes that Puget Sound has developed and pursued a reasonable conservation program. Public comments submitted by the Washington State Energy Office on behalf of the Governor of the State of Washington and by the Washington Utilities and Transportation Commission appear to support this belief. However, in view of the importance of distillate fuel supplies to users of such fuel in the State of Washington, ERA is including a condition in this order designed to minimize the potential market impact of any distillate fuel oil acquired by Puget Sound for use is Whitehorn 2 and 3 but only during periods when Puget Sound is faced with potential gas supply curtailments occurring concurrently with adverse hydro conditions. In requiring this condition, ERA weighed the concern of distillate users against the financial burden which will be covered by Puget Sound's customers.

On September 2, 1980, Puget Sound submitted an additional written statement regarding the use of residual oil in Whitehorn 2 and 3. Puget Sound asserts that the use of residual oil is impractical and infeasible for a number of reasons and suggested a modification in condition C as it was proposed in the TSD, and standard condition 3 as set forth in 10 CFR 503.41(e)(3). Puget Sound proposes that, if there is a restriction on the grade of petroleum used in Whitehorn 2 and 3, such restriction should read as set forth in standard condition 3, but as modified below:

"The quality of any petroleum to be burned in the unit *as a primary energy source* will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements" (proposed modification underlined).

ERA believes that Puget Sound's proposed modification is unnecessary. The exemptions granted by this order authorize the use of petroleum or natural gas only to the extent it is used as a primary energy source in the Whitehorn units. Furthermore, ERA has accepted Puget Sound's representations that natural gas will be used as a primary

energy source except when such supplies are interrupted. Condition C as proposed in the TSD or standard condition 3 as contained in the Final Rule does not necessarily require the use of residual oil. Puget Sound is free to use the lowest quality fuel available assuming the application of sound economic judgement.

ERA by this order, grants Puget Sound permanent peakload exemptions from the prohibitions of FUA with respect to the use of petroleum or natural gas in the Whitehorn 2 and 3 combustion turbines, provided each powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the terms and conditions stated below:

Terms and Conditions

Based upon information submitted by Puget Sound and other persons and the results of ERA's analysis, this order is granted on the following terms and conditions:

A. Puget Sound shall not produce more than 121,500,000 Kwh during any 12-month period with either of the proposed units, Whitehorn 2 or 3.

B. Puget Sound shall comply with the reporting requirements set forth in 10 CFR Part 503.41(d).

C. Whenever petroleum is used in the proposed powerplants, Puget Sound shall use the lowest grade petroleum technically possible and available consistent with environmental requirements.

D. Puget Sound shall maintain at least a 14 day inventory of oil for each unit whenever a condition of gas curtailment is anticipated together with hydro conditions or other anticipated events that are expected to require the use of petroleum. Puget Sound shall make all reasonable efforts to meet its anticipated needs for oil with minimal disruption to the needs of other users and to obtain any necessary inventories before a gas curtailment.

E. This order shall not take effect earlier than December 1, 1980.

Issued in Washington, D.C. on September 26, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-30721 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-01-M

Westland Oil Development Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 23, 1980. Comments by: November 3, 1980.

ADDRESS: Send comments to: William Dorcheus, Program Manager for Crude Producers, Program Operations Division, Office of Enforcement, Economic Regulatory Administration, 2000 M Street NW, Room 5002, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: William Dorcheus, Program Manager for Crude Producers, Program Operations Division, Office of Enforcement, Economic Regulatory Administration, 2000 M Street NW, Room 5002, Washington, D.C. 20461 (202-653-3517).

SUPPLEMENTARY INFORMATION: On June 23, 1980, the Office of Enforcement of the ERA executed a Consent Order with Westland Oil Development Corporation (Westland) of Houston, Texas. Under 10 CFR 205-199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

This Consent Order is an integral part of the disposition of certain criminal and civil disputes in regard to Westland as agreed to in the letter agreement dated September 14, 1979, as amended, between J. A. "Tony" Canales on behalf of the United States and T. P. Wang, on behalf of Westland, in the matter of *U.S.A.* v. *Westland Oil Development Corporation* (No. H-79-143) filed with the U.S. District Court, Southern District of Texas, Houston Division. Accordingly, in order to resolve both criminal and civil matters as agreed, the DOE made this Consent Order effective immediately upon execution by both Westland and the DOE in furtherance of the public interest.

I. The Consent Order

Westland, with its home office located in Houston, Texas, is a firm engaged in the production of domestic crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Westland, and the letter agreement described above, the Office of Enforcement, ERA, and Westland entered into a Consent Order, the significant terms of which are as follows:

1. During the period from September 15, 1974 through March 16, 1976 (the "audit period"), Westland was a producer of domestic crude oil as that term is defined at 10 CFR 212.31 and was subject to the price rules and other provisions applicable to such producers.

2. During the audit period, the DOE claims that Westland produced and delivered condensate to Summit Gas Company and Armada Petroleum Corporation in a number of instances. The DOE claims that the condensate was not processed into refined products, but instead was sold at prices which the DOE claims were in excess of the maximum legal selling prices applicable to such crude oil. In connection with such sales, the DOE claims that Westland received certain revenues in excess of the maximum legal selling prices applicable to such crude oil.

3. Westland, without admitting any liability and specifically denying the same, maintains that it entered into this Consent Order for the sole purpose of settling and compromising the dispute, to avoid costly and time-consuming litigation, and to buy peace.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Westland agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.2. above, the sum of $2,634,189.09 in four equal installments, the first installment to be paid within 90 days from the date this Consent Order was signed by the parties. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in the interest-bearing deposit fund account maintained for DOE by the U.S. Treasury pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded

overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

The Office of Enforcement, ERA (OE) is unable readily to identify the persons entitled to receive the $2,634,189.09 or the amounts of refunds that such persons are entitled to receive. OE will therefore petition the Office of Hearings and Appeals (OHA) to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.28 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them.

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William Dorcheus, Program Manager for Crude Producers, Program Operations Division, Office of Enforcement, Economic Regulatory Administration, 2000 M Street, NW, Room 5002, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling (202) 653-3517.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Westland Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on November 3, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C., on the 26th day of September, 1980.

Robert Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 80-30628 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-01-M

Atlantic Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on a Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: August 29, 1980.

Comments by: November 3, 1980.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Western District Office, Department of Energy, 333 Market Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Western District Office, Department of Energy, 333 Market Street, San Francisco, CA 94105; phone (415) 764-7038.

SUPPLEMENTARY INFORMATION: On August 29, 1980 the Office of Enforcement of the ERA executed a Consent Order with Atlantic Oil Company (Atlantic) of Los Angeles County, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. Consent Order

Atlantic, with its home office in Los Angeles County, California, is engaged in the production and sale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Atlantic, the Office of Enforcement, ERA, and Atlantic entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through February 28, 1977.

2. DOE alleges that Atlantic charged prices for crude oil produced and sold from the Hathaway Bloemer lease in the Edison oil field, Kern County, California, in excess of the maximum allowable, in violation of the ceiling prices prescribed by 6 CFR 150.353, 10 CFR 212.73, and 10 CFR 212.74.

3. Atlantic, without admitting to any violation of the DOE regulations, agrees to refund to the DOE $3,518.00, plus interest thereon. Interest through August 31, 1980 totals $1,660.57.

4. The refund shall be made by Atlantic in one payment of $5,475.95, due September 29, 1980.

The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Atlantic agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $3,518.00, plus interest on or before September 29, 1980. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the

Consent Order receive appropriate refunds.

Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspect of this Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, Western District Office, Department of Energy, 333 Market Street, San Francisco, CA 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Atlantic Oil Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on November 3, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 22d day of September, 1980.

Lon W. Smith,

District Manager of Enforcement, Western District Office, Economic Regulatory Administration.

[FR Doc. 80-30632 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-01-M

Chester F. Dolley; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: August 29, 1980. Comments by: November 3, 1980.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Western District Office, Department of Energy, 333 Market Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Western District Office, Department of Energy, 333 Market Street, San Francisco, CA 94105; phone (415) 764–7038.

SUPPLEMENTARY INFORMATION: On August 29, 1980 the Office of Enforcement of the ERA executed a Consent Order with Chester F. Dolley (Dolley) of Los Angeles County, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. Consent Order

Dolley, with its home office in Los Angeles County, California, is engaged in the production and sale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Dolley, the Office of Enforcement, ERA, and Dolley entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through February 28, 1977.

2. DOE alleges that Dolley charged prices for crude oil produced and sold from the Mountain View Field, Kern County, California, in excess of the maximum allowable, in violation of the ceiling prices prescribed by 6 CFR 150.353, 10 CFR 212.73, and 10 CFR 212.74. The crude oil was produced from the leases and during the time periods which follow (alleged overcharge amounts are shown in parentheses):

a. Porter Lease, November 27, 1973 through December 31, 1974 ($26,405.32);

b. Vineyard Lease, November 27, 1973 through December 31, 1973 ($5,408.01), and January through May 1975 ($27,011.94);

c. Okane & Brane Lease, January 1974 through August 1976 ($4,484.39); and

d. Nance Lease, January 1974 through August 1976 ($95,701.72).

3. Dolley, without admitting to any violation of the DOE regulations, agrees to refund to the DOE $159,011.38, plus interest thereon. Interest through August 31, 1980 totals $55,035.00.

4. The refund shall be made by Dolley in eleven equal monthly installments of $18,000.00, the first of which is due September 1, 1980. A final payment, representing the balance, is due on September 1, 1981. Dolley paid $10,000 upon execution of the Consent Order in settlement of potential civil penalties.

The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Dolley agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.2, above, the sum of $159.011.38, plus interest, according to the schedule in I.4, above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 19 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds.

Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offsets through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a potential claim to all or a portion of the refund amount should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interests.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to the U.S. Department of Energy, Lon W. Smith, Office of Enforcement, 333 Market St., San Francisco, CA 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Chester F. Dolley Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on November 3, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 22 day of September, 1980.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 30633 Filed 10–1–80; 8:45 am]

BILLING CODE 6450–01–M

Compliance With the National Environmental Policy Act (NEPA); Extension of Comment Period on Notice of Intent to Prepare An Environmental Impact Statement: Near-Term acquisition of Away-From-Reactor (AFR) Spent Fuel Storage Facilities

AGENCY: Department of Energy.

ACTION: Extension of comment period on notice of intent to prepare an environmental impact statement (EIS) pertaining to the proposed acquisition by the Department of Energy (DOE) of facilities for the near-term storage of spent nuclear fuel from commerical power reactors.

DOE issued a notice of its intent to prepare an EIS, in accordance with Section 102(2)(C) of NEPA, to provide environmental input to the choice of alternatives for providing the AFR storage capacity that will be required prior to the time that a new spent fuel storage facility could be built and licensed. Facilities which could allow DOE to meet this near-term need are located at West Valley, New York; Morris, Illinois; and Barnwell, South Carolina.

The notice of intent was published in the **Federal Register** (45 FR 54399) on August 15, 1980. Interested agencies, organizations, and the general public were invited to provide written comments by September 15, 1980.

In response to requests for additional time for review and to assure adequate public notification, DOE has extended the comment period until October 24, 1980. Comments received after that date will considered to the extent practical.

Further information on the proposal is provided in the August 15, 1980, **Federal Register** (45 FR 54399).

Written comments or suggestions on the scope of the environmental impact statement may be submitted to: Mr. Michael J. Lawrence, Acting Director, Attn: DEIS for NTAFR, Office of Transportation and Fuel Storage, U.S. Department of Energy, MS B–107/GTN, Washington, D.C. 20545, (301) 353–4728.

For general information on DOE's EIS process contact: Mr. Richard P. Smith, NEPA Affairs Division, EV–12, Office of the Assistant Secretary for Environment, U.S. Department of Energy, Washington, D.C. 20545, (202) 252–4610.

Dated at Washington, D.C. this 30th day of September 1980, for the United States Department of Energy.

Lynda L. Brothers,

Acting Assistant Secretary for Environment.

[FR Doc. 80–30677 Filed 10–1–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER80–549 and ER80–373]

Arkansas Power & Light Co.; Order Accepting for Filing and Suspending Proposed Rates, Waiving Notice Requirements, Consolidating Proceedings, and Establishing Procedures

Issued September 25, 1980.

On July 28, 1980, Arkansas Power & Light Company (AP&L) filed an executed letter agreement with Arkansas Electric Cooperative Corporation (AECC) providing for the sale of 15 MW of firm supplemental power to AECC from July 1, 1980, to June 30, 1981.[1] The proposed rates for such service and the formulas from which the rates are calculated are identical to those under investigation in Docket No. ER80–373.[2] Application of the rates produced by the formula for 1980 to the 15 MW of firm supplemental power would result in an increase in revenues of $138,942 (22.8%) during the one year contract term. AP&L requests waiver of the notice requirements, and a July 1, 1980 effective date.

Prior to August 22, 1980, AP&L had an interchange agreement with AECC which provided for firm power service in excess of AECC's generating reserves to be supplied by AP&L. This agreement was superseded by a Power Coordination, Interchange and Transmission Agreement which resulted from AECC's purchase of a 35% ownership entitlement in AP&L's White Bluff Unit No. 1. Such agreement did not provide for the sale of firm supplemental power to AECC since AECC apparently thought that its entitlement in the White Bluff Unit would make it self-sufficient. This new agreement, in an order issued on August 1, 1980, in Docket No. ER80–373, was allowed to become effective on August 22, 1980, the date on which commercial operation of White Bluff Unit No. 1 commenced. However, because of high peak loads experienced by AECC due to extremely hot weather,

[1] See Attachment A for rate schedule designations.

[2] *See Arkansas Power & Light Co.*, Docket No. ER80373 order issued August 1, 1980.

AECC negotiated the agreement being considered in the order for the purchase of 15 MW of firm supplemental power.

Notice of the filing was issued on August 4, 1980, with comments, protests, or petitions to intervene due on or before August 25, 1980. No responses were received.

Discussion

As was the case with respect to comparable aspects of AP&L's filing in Docket No. ER80-373, our analysis indicates that the rates and formulas currently proposed by AP&L have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates and formulas for filing, suspend the rates as ordered below, and order a further investigation at hearing.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Because existing agreements do not accommodate the proposed service, it is desirable to permit the current submittal to become effective on or about July 1, 1980. Absent such treatment, there would be no suitable rate schedule on file for the firm power service to AECC that is now proposed. Additionally, no protests have been received and, by executing the instant agreement with AP&L, AECC has manifested its consent to AP&L's filing, including a July 1, 1980, effective date. These circumstances support both waive of the notice requirements and a nominal suspension. Accordingly, we shall exercise our discretion to accept the rates and formulas for filing as of July 1, 1980, and we shall suspend them for one day, permitting the rates to take effect subject to refund thereafter on July 2, 1980, pending the outcome of a hearing.

We further find that common questions of law and fact are presented in this proceeding and in Docket No. ER80-373. Consequently, we shall consolidate these dockets for purposes of hearing and decision.

Consistent with our determinations in Docket No. ER80-373, and in similar proceedings, (1) changes in the demand charges resulting from the operation of the proposed formula and (2) any changes in the formula components shall be considered changes in rate schedules pursuant to § 35.13 of the Commission's regulations which must be timely filed with the Commission together with appropriate cost support as required by that section.

However, with respect to changes in the energy charge to AECC resulting from the operation of the formula, the full filing requirements of § 35.13 will be waived provided that AP&L agrees to collect any increased rates under the formula subject to refund pending the outcome of the hearing convened pursuant to this order and the order issued in Docket No. ER80-373.[4]

The Commission Orders

(A) The notice requirements of § 35.3 of the Commission's regulations are hereby waived.

(B) Arkansas Power and Light Company's submittal is hereby accepted for filing as of July 1, 1980, and the proposed rates are hereby suspended for one day to become effective subject to refund, on July 2, 1980. The formulary method for developing those rates shall be considered at the hearing to be held pursuant to this order and the Commission's order of August 1, 1980, in Docket No. ER80-373.

(C) Any changes in (1) the demand charges resulting from the operation of the formula and (2) formula components shall constitute changes in rate schedules pursuant to section 35.13 of the Commission's regulations, which must be timely filed with this Commission together with appropriate cost support as required by that section.

(D) With respect to changes in the energy charge to AECC resulting from the operation of the formula, the full filing requirements of § 35.13 of the Commission's regulations will be waived provided that AP&L agrees to collect any increased rates under the formula subject to refund pending the outcome of the hearing convened pursuant to this order and the order issued in Docket No. ER80-373.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by § 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of AP&L's proposed rates, and the formulas used to derive those rates.

(F) Docket Nos. ER80-549 and ER80-373 are hereby consolidated for purposes of hearing and decision.

(G) The administrative law judge designated by the Chief Adminstrative Law Judge to preside in Docket No. ER80-373, shall convene a conference in this consolidated proceeding within such time as appears most feasible under any previously established procedural schedule in order to accomodate any expansion of the scope of this proceeding that may be caused by consolidation.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Arkansas Power & Light Co., Docket No. ER80-549, Rate Schedule Designations

Designation and Description

(1) Rate Schedule FERC No. 84—Letter Agreement, Partial Requirement Service.
(2) Supplement No. 1 to Rate Schedule FERC No. 84—Appendix A, Cost of Service Formula.
(3) Supplement No. 2 to Rate Schedule FERC No. 84—Appendix B, Production Demand Charge Based on 1979 Costs.

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BILLING CODE 6450-85-M

[3] E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (Five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illumunating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

[4] It is noted that the energy charges to AECC are calculated monthly based upon average system or incremental cost procedures. Such charges will change from month to month (or hour to hour); however, the calculation of these costs generally reflects standard procedures for determining such costs.

[Project No. 3362]

Continental Hydro Corp.; Application for Preliminary Permit

September 26, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3362 to be known as the Dillon Project located on the Licking River in Muskingum County, Ohio. Correspondence with the Applicant should be directed to: a A. Gail staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Dillon Dam and would consist of: (1) a 400-foot-long penstock located along the right (south) Bank; (2) a powerhouse containing a generating unit having a rated capacity of 1,700-kW; (3) a short tailrace; and (4) appurtenant facilities. Project energy would be transmitted over existing power lines serving the dam or to Ohio Power Company's transmission lines within several miles of the project. Applicant estimates the annual generation would average about 6,800,000 kWh.

Purpose of Project—Project energy would be sold to Ohio Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Dependent upon the outcome of the studies, Applicant would prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be $48,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studied and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in a application for a license.

Agency Comments—Federal, State, and local agencies that received this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as description in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 3, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 F.R. 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 3, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30694 Filed 10-1-80; 8:45 am]

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[Project No. 3359]

Continental Hydro Corp.; Application for Preliminary Permit

September 26, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3359 to be known as the Berlin Project, located on the Mahoning River in Deerfield Township, Portage County, Ohio. Correspondence with the Applicant should be directed to: A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Berlin Dam and would consist of: (1) a 300-foot-long penstock located along the right (east) bank; (2) a powerhouse containing a generating unit having a rated capacity of 750-kW; (3) a short tailrace; and (4) appurtenant facilities. Project energy would be transmitted over existing power lines serving the dam or would be transmitted to Ohio Edison Company's 345-kV transmission lines within two miles of the project. Applicant estimates the annual generation would average about 5,500,000 kWh.

Purpose of Project—Project energy would be sold to Ohio Edison Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be $49,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *December 3, 1980*, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *February 2, 1981*. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d),

(*as amended*, 44 *FR* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before *December 3, 1980*. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30695 Filed 10-1-80; 8:45 am]

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[Docket No. ER80-572]

Dayton Power & Light Co., and Cincinnati Gas and Electric Co.; Order Accepting for Filing and Suspending in Part Revised Interconnection Agreement, Denying Waiver and Initiating Hearing

Issued: September 25, 1980.

On July 28, 1980, Dayton Power and Light Company (Dayton) and Cincinnati Gas and Electric Company (CG&E) submitted for filing proposed revisions to the Dayton—CG&E Interconnection Agreement.[1] These revisions propose to increase the demand charges for fuel conservation energy and related third party transmission service. The filing also proposes to replace the existing percentage adders with fixed adders.

Public notice of this filing was issued on August 11, 1980, with responses due on or before September 2, 1980. No comments, protests, or petitions to intervene have been filed.

Discussion

The proposed revisions to the fuel conservation service schedule would increase the demand charge for fuel conservation energy from 4.5 and 5.5 mills/kWh for Dayton and CG&E, respectively, to 7.8 mills/kWh, and also would increase Dayton's third party fuel conservation transmission demand charge from 1.1 mills/kWh to 1.3 mills/kWh. CG&E's third party transmission demand charge would remain unchanged at 1.3 mills/kWh. The parties have also proposed to replace a traditional percentage adder applied to incremental cost for self-generated energy with a fixed 2 mills/kWh adder. The filing does not provide an adder in the proposed fuel conservation rates for third party transmission service.

Dayton has submitted a levelized cost analysis which purports to support a fuel conservation demand charge of 7.8 mills/kWh and a third party transmission demand charge of 1.4 mills/kWh based on average system steam production gross investment. This included all steam generating units except Dayton's 139 MW share of Conesville Unit No. 4. Dayton's use of average system production investment net including the Conesville Unit No. 4 in support of its fuel conservation demand charge is, we think, improper. Such average system pricing does not track the demand-related costs of the marginal units assigned to interchange service.

CG&E has submitted a levelized cost analysis in support of a fuel conservation demand charge of 8.8 mills/kWh based upon an average production gross investment of those coal-fired steam units which CG&E anticipates will provide fuel conservation energy.

As we stated in our July 31, 1980 order in Docket Nos. ER80-427, *et al.*, the use of average system production investment in support of a fuel conservation demand charge is improper since it does not accurately track the demand-related costs of the units assigned to interchange service. We also observed that this methodology is inconsistent with the Statement of Principles issued on March 28, 1980, in Docket Nos. ER78-229, *et al.*,[2] which require that fuel conservation demand charges reflect the annualized cost of the units expected to provide the service weighted by relative expected hours of use.[3] Our analysis, based upon information provided by the Commission staff, indicates that demand charges developed on the basis of annual average plant may produce substantially excessive revenues.

We believe, however, that the proposed charges for third party transmission service conform to the proposed rulemaking in Docket No. RM79-29, issued on April 4, 1979, and to the Statement of Principles issued on March 28, 1980, in Docket Nos. ER78-229, *et al.* We find that this portion of the filing is just and reasonable, and we shall therefore accept the proposed third party transmission charges for filing without suspension.

Consistent with the Statement of Principles in Docket No. ER78-229, *et al.*, the proposed fuel conservation schedule filed by Dayton and CG&E contains language describing both dispatch priority and replacement pricing methodology. With regard to dispatch, conservation energy is accorded a proproty between short-term and economy energy. While the language in the filing regarding replacement pricing methodology is broad, we believe it complies with the above-mentioned Statement of Principles and is acceptable.

Since our analysis indicates that the demand charges may have been improperly determined in the filing, these proposed rates may be unjust, unreasonable, unduly discriminatory, and preferential, or otherwise unlawful, and we shall order a hearing to be convened in this proceeding. Accordingly, we shall accept the proposed rates, other than those applicable to third party transmission service, for filing and suspend them in order below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates as noted above for a period of five

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[1] See Attachment for rate schedule designations.

[2] "Order Establishing Principles for Settlement of Fuel Conservation Energy Rate Schedule Proceedings and Providing for Filings."

[3] This position is reiterated in an order dated August 21, 1980, in Docket Nos. ER80-484 and ER80-485 concerning an interconnection between the P.J.M. Pool and VEPCO.

[4] *E.g.*, *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company* Docket No. ER80-488 (August 22, 1980) (one day suspension).

months permitting the rates to take effect, subject to refund thereafter, on February 27, 1981.

Dayton requested a waiver of the statutory notice requirement, presumably to the date of the agreement, June 1, 1980. As a general matter, the Commission grants requests for waiver when the buyer or buyers agree to the waiver and the waiver appears to be consistent with the public interest. Here, however, the consent of the buyers is less meaningful, because the major impact of an increase in a fuel conservation energy rate is likely to be on ultimate third-party buyers who are not party to this contract. Further, the rates appear to be substantially excessive, and the cost support is not consistent with the Statement of Principles adopted by the Commission as a basis for settlement of the proceedings consolidated under Docket Nos. ER78-229, *et al.* Consequently, the Commission does not find good cause for the requested waiver, and that request will be denied.

The currently proposed fuel conservation rates would supersede rates previously filed in Docket No. ER79-218. There have been no transactions under the prior fuel conservation schedules. However, the superseding rates will not become effective for five months. Consequently, we shall terminate Docket No. ER79-218, as of February 27, 1981.

The Commission orders:

(A) The request for waiver of the statutory notice requirement is hereby denied.

(B) The rates proposed in this docket for third party transmission service are hereby accepted for filing as of September 27, 1980, without suspension.

(C) The rates proposed in this proceeding, other than those applicable to third party transmission service, are hereby accepted for filing and suspended for five months to become effective, subject to refund, on February 27, 1981.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act, and by the Federal Power Act, particularly Sections 205 and 206 thereof, and pursuant to the Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by Dayton Power and Light Company and Cincinnati Gas and Electric Company in this instant docket.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference within 15 days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20425. This conference shall be held for the purposes of discussing the issues involved herein, expediting discovery, and establishing a procedural schedule, including the filing of a case-in-chief by Dayton and CG&E. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate and sever and motions to dismiss), as provided in the Commission's Rules of Practice and Procedure.

(F) Docket No. ER79-218 shall be terminated as of February 27, 1981.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Hall voted present.

Kenneth F. Plumb,

Secretary.

The submittal is designated as:

(1) *Dayton Power & Light Company,* Supplement No. 7 to Rate Schedule FERC No. 38 (Supersedes Supplement No. 6 to Rate Schedule FERC No. 38).

(2) *Cincinnati Gas & Electric Company,* Supplement No. 1 to Rate Schedule FERC No. 39 (Concurs in (1) above).

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[Dockets Nos. CP74-314, CP76-327, and CI77-526]

El Paso Natural Gas Co., Northwest Pipeline Corp. and Sun Oil Co., et al.; Order Affirming Initial Decision and Initiating Further Hearing

Issued: September 25, 1980.

On February 20, 1979, the presiding administrative law judge issued an initial decision in the above-captioned proceeding. The judge found that a series of lease-sale agreements, which are the subject matter of this proceeding, constituted sales of natural gas for resale in interstate commerce under the Natural Gas Act. We agree with the judge's determination and find nothing in the exceptions thereto warranting modification of his decision.

We do, however, want to stress several factors leading to the conclusion that the lease-sales at issue are in fact jurisdictional. The law judge found that the overriding royalty owners initially received approximately the same net amount under the lease-sale contracts as they would have received under conventional wellhead sales after costs of production were considered. The presiding judge also noted that when the overriding royalty payments were redetermined as provided for in the lease-sale contracts, they were established at the fair-market value of wellhead sales in the case of the contracts of El Paso Natural Gas Company, and at 75% of wellhead value in the case of the contracts now held by Northwest Pipeline Company. The overriding royalties were to be paid on each Mcf of gas produced. These payments are sharply different from payments normally made in a royalty situation. In an ordinary royalty contract, the royalty owner is paid a royalty based on a percentage of the value of production. Here, however, the royalty owners are receiving royalties based on the fair-market value at wellhead for each Mcf produced. These payments are virtually equivalent to the payments that would have been received in a conventional wellhead sale except that in an ordinary wellhead sale the producers would be expected to absorb the costs of production. In this case, of course, the royalty owners are responsible for none of the production costs. The pipelines are instead responsible for production costs and such costs are passed on to their customers (and to the ultimate consumer) in addition to the overriding royalties paid to the lessors. We find that the magnitude of the overriding royalties and the fact that they apply to each Mcf of gas sold, irrespective of the quantities of gas the contracting parties might originally have thought were involved, lends, in our judgment, strong support to the proposition that these lease sales were virtually identical in "economic effect" [1] to conventional sales.

The law judge also found that persons who acquired the leases and sold them to the pipelines were not real estate speculators. The sellers bought leases from the landowners and then sold the gas contained in those leases to the pipelines. The landowners, who were the original sellers of the leases, received a standard royalty for the rights which they sold. They negotiated that royalty with the persons who sold the leases to the pipelines. The original landowners had no control over the ultimate destination of any gas which might be discovered, and no knowledge

[1] *United Gas Improvement Co.* v. *Continental Oil Co.* ("Rayne Field"), 381 U.S. 392, 396 (1965).

whether the gas, if discovered, will be sold interstate or intrastate. Nor did the landowners control the quantity to be sold, the price to be paid, or the identity of the purchaser. The middlemen sellers controlled all these incidents of sale. They sold the gas to the interstate pipelines, specified how much was to be sold per year, negotiated the price, and dealt with the purchasing pipelines. The sellers of these lease-sale agreements were not landowners selling rights to drill. They were sellers of the natural gas contained in acreage which they had leased from landowners.

We also wish to stress certain contractual provisions which lead us to the conclusion that it was gas, proved reserves, which was being sold. The take-or-pay provisions, and the return of non-commercial acreage provisions, are significant in our determination that what was being sold was gas.

The take-or-pay provisions are commonly found in conventional sales contracts and support our conclusion that these transactions contemplated the sale of proved reserves. Moreover, the return of non-commercial acreage provisions show that all that was being sold was proved reserves as measured by the results of actual drilling. The only difference between these lease sales and producer sales, which may include clauses giving the buyer an option not to attach reserves from wells deemed non-commercial,[2] is the fact that the buyers incurred the risks and costs associated with drilling. Yet this difference is one which, in our view, supports, and certainly does not detract, from our conclusion that these agreements are the functional equivalent of sales from successful wells by producers. We conclude that the evidence amply demonstrates that these lease sales "accomplished the transfer of large amounts of natural gas to an interstate pipeline company for resale in other States." [3]

In support of the proposition that the lease-sales in question are subject to the Commission's jurisdiction, the staff cites several cases including *United States* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968), *Mobil Oil Corp.* v. *F.P.C.*, 463 F.2d 256 (D.C. Cir. 1971) and *Weymouth* v. *Colorado Interstate Co.*, 367 F.2d 84 (5th Cir. 1966). We are not persuaded that either the *Southwestern Cable* or *Mobil* case is directly relevant to the jurisdictional issue presented in this case. However, we do believe that support for the assertion of Commission jurisdiction is provided by *Weymouth*. In that case the court stated:

> Unlike *Huber* which involves a lease from the Landowner to the Lessee-Producer who in turn sells the gas to Northern, the Pipeline Purchaser, this transaction from its inception was a one-step affair. It is between the Landowner-Lessor and the Pipeline as Lessee and Purchaser. Considering that the Natural Gas Act applies from the date of its enactment, at least to all transactions which come into being or are significantly altered thereafter—whether the parties are aware of the existence of the legislation or whether it is being actively enforced—there is at least a possibility that, taking into account the nature and extent of the reserves of this huge gas field, at some stage or time and to some extent, this transaction ripened into a "sale" of a kind comparable to that found to exist in Rayne Field. (367 F.2d at 102).

Assuming *arguendo* that the lease-sales here were not initially jurisdictional, we think that they became jurisdictional at the time the price paid for gas pursuant to these contracts was redetermined through arbitration and thereby established at levels equal to or approaching prevailing wellhead prices. Upon the redetermination of price, the sellers reasserted[4] their control over the price of gas sold at a time when the gas was undeniably from a proven and substantially developed field.

In their exceptions to the initial decision, the royalty owners argue that this Commission is barred by the doctrines of *res judicata* and collateral estoppel from holding these transactions to be jurisdictional.[5] The FPC previously rejected those contentions and we continue to do so. We cannot be bound by the conclusion drawn by the FPC in the *Webb-Turner*[6] proceeding. This Commission has a continuing obligation to regulate sales which Congress has declared to be within the Commission's jurisdiction. The Commission cannot waive that jurisdiction.[7] The producers, in this case, have no right to continued non-regulation.[8] And the producers can show no harm from relying on the FPC's decision in the *Webb-Turner* proceeding.

Moreover, the *Webb-Turner* proceeding arose in a different context. It involved primarily issues of whether to grant the *Webb-Turner* parties permission to abandon sales to El Paso, whether to grant El Paso a certificate to operate the facilities involved in those sales, and what costs related to the gas in question were properly includable in El Paso's cost-of-service. In *Webb-Turner*, the FPC did not directly decide that the lease-sale transactions were non-jurisdictional. Rather it found that it would not impose a *Rayne*-type remedy in that case. Although in so doing the FPC, in essence, indicated that it considered the lease-sales not to be jurisdictional, in view of more recent events there can be no dispute that the FPC's rather oblique ruling was based on less than a complete record and was reached under substantially different circumstances. In light of the increasing burden on consumers of non-regulation of these lease-sale transactions, the FPC was compelled to thoroughly examine these lease-sales to determine whether they are in fact jurisdictional. Prior to the price redetermination, payments were of less regulatory interest to the Commission. After redetermination, when regulatory interest in these leases was greater, changes in fundamental facts necessitated a thorough review of the jurisdictional issue. Additionally, this Commission has been directed by the Fifth Circuit to decide whether the subject lease-sale contracts are sales of natural gas for resale in interstate commerce as defined by the Natural Gas Act.[9] For these reasons, the *res judicata* and collateral estoppel arguments cannot stand.

The royalty owners have requested oral argument. They point ot the magnitude of the briefs, the lengthy record, and the factual and legal complexity of the issues as reason for

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[2] *See Mitchell Energy Corporation*, Docket No. CI78-704, Order Denying Petition For Declaratory Order, Directing Applicant to File For Abandonment Authorization and Granting Intervention (October 23, 1979).

[3] 381 U.S. at 401.

[4] The sellers in negotiating the initial contracts had control over all incidents of sale which a conventional seller-producer, as opposed to a landowner-royalty owner would have. These included the ability to contract for the quantity to be sold, the price to be paid, the identity of the purchaser and whether it shall be sold in interstate or foreign commerce. In intially contracting for a price for gas, the sellers reserved the right to redetermine the price after the initial contract period. They exercised this right which resulted in an arbitrated finding of prices for the gas in excess of applicable FPC ceiling prices. In stating that the arbitrators found that the contracts provided for prices higher than the FPC ceiling prices, we in no way imply that that result is consistent with the applicable law or with the intent of the parties at the time the agreements were negotiated.

[5] Respondents also claim that this case is similar to *Texas Gas Transmission Corporation*, Docket No. CP77-612, Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity and Granting Petition to Intervene (May 10, 1978), in which we found that a sale of gas reserves in place did not constitute a jurisdictional sale. Texas Gas is inapposite. The sale in *Texas Gas* involved reserves where the magnitude of reserves was unknown. And more importantly, the purchase price was not tied to the level of any future production or to the magnitude of reserves ultimately discovered. In this case, the purchase price was tied directly to the level of future production.

[6] *Webb-Turner*, Opinion No. 642, 49 FPC 17 (1973).

[7] *Brooklyn Union Gas Co.* v. *F.E.R.C.*, No. 78-1231 (D.C. Cir. May 30, 1980), at 7.

[8] *Nantahala Power and Light Co.* v. *F.P.C.*, 384 F.2d 200 (4th Cir. 1967); *Connecticut Light and Power Co.* v. *F.P.C.*, 557 F.2d 349 (2nd Cir. 1977).

[9] *Tenneco Oil Co.* v. *F.E.R.C.*, 580 F.2d 722, 724 (5th Cir. 1978).

oral argument. The case has been well briefed and we feel that oral argument is unnecessary for a thorough review and resolution of the case. Therefore, oral argument will be denied.

Having found that the subject lease-sale agreements are sales of natural gas as defined by the Natural Gas Act, there remains to be decided what remedies should be adopted for past and future periods. Numerous questions remain as to what remedies are available and what action or combination of actions should be taken to insure that consumers are afforded the "complete, permanent and effective bond of protection from exercise rates and charges"[10] contemplated by the Natural Gas Act. These issues were previously discussed by the FPC in its order issued in these dockets on June 3, 1977. However, the FPC later phased the proceeding and deferred the remedy issues until the jurisdictional issue had been decided. This case shall be remanded for hearing and decision of the remaining issues including those set forth in the order of June 3, 1977. The basic issues to be addressed on remand are (1) whether and if so what extent were the payments made by El Paso, Northwest and PNW to the overriding royalty owners excessive and therefore unlawful, (2) what if any amounts should be required to be refunded by the royalty owners to El Paso and Northwest and flowed through by them to their jurisdictional customers, and (3) what level of royalties should be approved for the future?

The Commission orders

(A) The initial decision of the administrative law judge is affirmed and adopted.

(B) The motion for oral argument is denied.

(C) A hearing shall be held to determine proper remedies for past and future periods in accordance with the terms of this order.

(D) A presiding administrative law judge to be designated by the chief administrative law judge shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions as provided in the rules of practice and procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-30697 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-85-M

[10] *Atlantic Refining Co.* v. *P.S.C. of New York* ("CATCO"). 360 U.S. 378, 388 (1959).

[Docket No. ER80-559]

Kansas Power & Light Co.; Order Accepting for Filing and Suspending Proposed Rates Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

Issued: September 25, 1980.

On July 29, 1980, Kansas Power and Light Company (KPL) submitted for filing a rate increase application for service to its fifty-eight (58) wholesale customers.[1] Of the fifty-eight customers, to—the Cities of Seneca and Waterville—are served under contracts which permit an increase only prospectively after Commission approval of the rates.[2]

KPL presently provides service to three types of customers—full requirements municipal customers, partial requirements municipal customers, and cooperative customers. The proposed rate schedules for cooperative and full requirements municipal customers provide for one-step demand and energy charges for summer billings (July through September) and two-step demand and one-step energy charges for winter billings (October through June). The proposed rate schedules for partial requirements municipal customers provide for two-step demand and one-step energy charges for all billings. In addition, all energy charges are subject to a fuel adjustment clause. KPL's proposed rates would result in an increase in jurisdictional revenues of approximately $895,333 for full requirements municipal customers, $9,455 for partial requirements municipal customers, and $3,673,291 for cooperative customers. The total increase would exceed $4.5 million, or 17.74%.[3]

Notice of KPL's filing was issued on August 7, 1980, with responses due on or before August 26, 1980. Petitions to intervene have been received from three separate groups.

On August 15, 1980, the Kansas Municipal Group (Cities), an organization whose members are either full or partial requirements customers of KPL, submitted a protest and petition to intervene. Cities allege that their interests are directly affected by the KPL application. Cities request that the Commission institute price squeeze proceedings.

On August 25, 1980, the cooperative customers of KPL (Cooperatives) filed a joint protest and petition to intervene. The Cooperatives state that as customers of KPL they would be adversely affected by the proposed increase. Specifically, the Cooperatives claim (1) that KPL has overstated the income tax component of its cost of service; (2) that KPL has utilized a forty-five day allowance for working capital instead of employing a lead-lag study; (3) that KPL has allocated fixed production costs on the basis of a 3 CP method instead of a 4 CP method; and (4) that KPL's requested increase violates the price guidelines of the Council on Wage and Price Stability. As a result of these objections, Cooperatives request that we suspened KPl's proposed rates for the full five month period. Finally, Cooperative's allege that KPL's proposed rate increase would create a price squeeze.

On September 2, 1980, the City of Seneca (Seneca) filed a motion to reject KPL's filing.[4] Seneca states that KPL's filing is a unilateral action that violates the provisions of a KPL-Seneca contract that is currently in effect.[5] Seneca further alleges that since it has a fixed-rate contract with KPL, any rate increase may not go into effect until it is first authorized by the Commission.

Discussion

We find that participation in the proceeding by each of the petitioners may be in the public interest. Accordingly, we shall grant the petitions to intervene.

Our analysis of KPL's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, with respect to the customers other than Seneca and Waterville, we shall accept the rates for filing and suspend them as ordered below.

In a number of suspension orders,[6] we have addressed the considerations underlying the Commission's policy

[1] See Attachment A for rate schedule designations.

[2] By order issued May 29, 1979, in Docket No. ER79-283, the Commission reaffirmed an earlier determination that these contracts permit only prospective rate changes but do not require KPL to meet the strict *Sierra-Mobile* burden of proof.

[3] KPL's filing indicates that its proposed overall rate of return would be 10.20%, with a 14.30% rate of return on common equity.

[4] Seneca was one of the joint sponors of the Cities' timely petition to intervene.

[5] The Seneca-KPL contract became effective on November 1, 1972. By its terms, the contract is to remain in effect for 10 years. *See* footnote 2, *Supra.*

[6] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket of this case. This will allow a determination first to be reached on the cost of service, capitalization and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. We note that KPL submitted its filing on July 29, 1980, but requested an effective date of September 1, 1980, less than 60 days thereafter. We construe this action to be an implied request for waiver of the Commission's notice requirements. However, we find that good cause does not exist to grant such waiver, particularly in view of the protests filed by KPL's customers. Accordingly, we shall deny the request for waiver and we shall suspend the rates for a period of five months from 60 days after filing, permitting the rates to take effect, subject to refund, thereafter on February 27, 1981.

With respect to the Cities of Seneca and Waterville, we shall waive the notice requirement of section 35.3 of our regulations, which would otherwise prevent the filing of rates not proposed to become effective within 120 days. However, consistent with these customers' contracts, KPL's proposed rate increase will become effective prospectively only upon final approval of the rates by the Commission, or upon termination of the present contracts, whichever occurs first. Therefore, we shall deny Seneca's motion to reject KPL's filing.

In accordance with Commission policy established in *Arkansas Power & Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue of this case. This will allow a determination first to be reached on the cost of service, capitalization and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders

(A) KPL's implied request for waiver of the Commission's notice requirements is hereby denied.

(B) With respect to all affected customers other than the Cities of Seneca and Waterville, KPL's proposed rates are hereby accepted for filing and suspended for five months from 60 days after filing, to become effective, subject to refund, on February 27, 1981.

(C) The 120-day notice requirement of section 35.3 of the regulations is hereby waived with respect to KPL's submittal as it applies to the Cities of Seneca and Waterville.

(D) Seneca's motion to reject KPL's filing is hereby denied. However, with respect to the Cities of Seneca and Waterville, KPL's proposed rates will become effective, if at all, prospectively only upon final approval of the rates by the Commission, or upon termination of the presently effective contracts, whichever occurs first.

(E) All petitions to intervene are hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, particularly Sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I (1979)), a public hearing shall be held concerning the justness and reasonableness of KPL's proposed rates.

(G) The Commission staff shall serve top sheets in this proceeding on or before December 17, 1980.

(H) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within ten (10) days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(I) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(J) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Kansas Power & Light Co., Rate Schedule Designations

[Docket No. ER80-559]

Filed: July 29, 1980.

Effective: (1) thru (56) February 1, 1981.

Designation	Other party	Description
1. Supplement No. 10 to R.S. FERC No. 148 (supersedes supp. No. 9)...	Ark Valley ECA	RCW-80 revised.
2. Supplement No. 8 to R.S. FERC No. 149 (supersedes supp. No. 7).....	Brown-Atchison ECA	RCW-80 revised.
3. Supplement No. 8 to R.S. FERC No. 150 (supersedes supp. No. 7).....	Butler RECA	RCW-80 revised.
4. Supplement No. 8 to R.S. FERC No. 151 (supersedes supp. No. 7).....	The C&W ECA	RCW-80 revised.
5. Supplement No. 8 to R.S. FERC No. 152 (supersedes supp. No. 7).....	Coffey County RECA	RCW-80 revised.
6. Supplement No. 9 to R.S. FERC No. 153 (supersedes supp. No. 8).....	D, S and O ECA	RCW-80 revised.
7. Supplement No. 9 to R.S. FERC No. 154 (supersedes supp. No. 8).....	Doniphan ECA	RCW-80 revised.
8. Supplement No. 10. to R.S. FERC No. 155 (supersedes supp. No. 9)..	Flint Hills Rural ECA	RCW-80 revised.
9. Supplement No. 9 to R.S. FERC No. 156 (supersedes supp. No. 8).....	The Kaw Valley ECC	RCW-80 revised.
10. Supplement No. 10 to R.S. FERC No. 157 (supersedes supp. No. 9).	Leavenworth-Jefferson	RCW-80 revised.
11. Supplement No. 10 to R.S. FERC No. 158 (supersedes supp. No. 9).	Lyon County EC	RCW-80 revised.
12. Supplement No. 8 to R.S. FERC No. 159 (supersedes supp. No. 7)...	Nemaha-Marshall ECA	RCW-80 revised.
13. Supplement No. 9 to R.S. FERC No. 160 (supersedes supp. No. 8)...	Ninnescah Rural ECA	RCW-80 revised.
14. Supplement No. 8 to R.S. FERC No. 161 (supersedes supp. No. 7)...	P.R. and W ECA	RCW-80 revised.
15. Supplement No. 8 to R.S. FERC No. 162 (supersedes supp. No. 7)...	The Smoky Hill ECA, Inc	RCW-80 revised.
16. Supplement No. 8 to R.S. FERC No. 163 (supersedes supp. No. 7)...	The Smoky Valley	RCW-80 revised.
17. Supplement No. 8 to R.S. FERC No. 164 (supersedes supp. No. 7)...	The Twin Valley EC	RCW-80 revised.
18. Supplement No. 5 to R.S. FERC No. 129 (supersedes supp. No. 4)...	City of Scranton	WSM-80 revised.
19. Supplement No. 6 to R.S. FERC No. 147 (supersedes supp. No. 5)...	City of Wathena	WSM-80 revised.
20. Supplement No. 6 to R.S. FERC No. 165 (supersedes supp. No. 5)...	City of Goff	WSM-80 revised.
21. Supplement No. 6 to R.S. FERC No. 166 (supersedes supp. No. 5)...	City of Netawaka	WSM-80 revised.
22. Supplement No. 6 to R.S. FERC No. 167 (supersedes supp. No. 5)...	City of Muscotah	WSM-80 revised.
23. Supplement No. 6 to R.S. FERC No. 171 (supersedes supp. No. 5)...	City of Severance	WSM-80 revised.
24. Supplement No. 6 to R.S. FERC No. 172 (supersedes supp. No. 5)...	City of Altamont	WSM-80 revised.
25. Supplement No. 6 to R.S. FERC No. 173 (supersedes supp. No. 5)...	City of Marion	WSM-80 revised.
26. Supplement No. 6 to R.S. FERC No. 174 (supersedes supp. No. 5)...	City of Oswego	WSM-80 revised.
27. Supplement No. 5 to R.S. FERC No. 175 (supersedes supp. No. 4)...	City of Enterprise	WSM-80 revised.
28. Supplement No. 5 to R.S. FERC No. 176 (supersedes supp. No. 4)...	City of Chapman	WSM-80 revised.

Kansas Power & Light Co., Rate Schedule Designations—Continued

[Docket No. ER80-559]

Filed: July 29, 1980.
Effective: (1) thru (56) February 1, 1981.

Designation	Other party	Description
29. Supplement No. 5 to R.S. FERC No. 177 (supersedes supp. No. 4)...	City of Herington	WSM-80 revised.
30. Supplement No. 5 to R.S. FERC No. 178 (supersedes supp. No. 4)...	City of Eudora	WSM-80 revised.
31. Supplement No. 5 to R.S. FERC No. 179 (supersedes supp. No. 4)...	City of DeSoto	WSM-80 revised.
32. Supplement No. 5 to R.S. FERC No. 180 (supersedes supp. No. 4)...	City of Axtell	WSM-80 revised.
33. Supplement No. 5 to R.S. FERC No. 181 (supersedes supp. No. 4)...	City of Robinson	WSM-80 revised.
34. Supplement No. 5 to R.S. FERC No. 182 (supersedes supp. No. 4)...	City of Horton	WTU-80 revised.
35. Supplement No. 6 to R.S. FERC No. 183 (supersedes supp. No. 5)...	City of Clay Center	WTU-80 revised.
36. Supplement No. 6 to R.S. FERC No. 184 (supersedes supp. No. 5)...	City of Wamego	WTU-80 revised.
37. Supplement No. 6 to R.S. FERC No. 185 (supersedes supp. No. 5)...	City of Sabetha	WTU-80 revised.
38. Supplement No. 6 to R.S. FERC No. 186 (supersedes supp. No. 5)...	City of Minneapolis	WTU-80 revised.
39. Supplement No. 5 to R.S. FERC No. 187 (supersedes supp. No. 4)...	City of Sterling	WTU-80 revised.
40. Supplement No. 5 to R.S. FERC No. 188 (supersedes supp. No. 4)...	City of Hillsboro	WSM-80 revised.
41. Supplement No. 6 to R.S. FERC No. 189 (supersedes supp. No. 5)...	City of Holton	WTU-80 revised.
42. Supplement No. 4 to R.S. FERC No. 190 (supersedes supp. No. 3)...	City of Reserve	WSM-80 revised.
43. Supplement No. 5 to R.S. FERC No. 191 (supersedes supp. No. 4)...	City of Larned	WTU-80 revised.
44. Supplement No. 5 to R.S. FERC No. 192 (supersedes supp. No. 4)...	City of Ellenwood	WTU-80 revised.
45. Supplement No. 5 to R.S. FERC No. 193 (supersedes supp. No. 4)...	City of Stafford	WTU-80 revised.
46. Supplement No. 5 to R.S. FERC No. 194 (supersedes supp. No. 4)...	City of Osage City	WTU-80 revised.
47. Supplement No. 5 to R.S. FERC No. 195 (supersedes supp. No. 4)...	City St. Marys	WSM-80 revised.
48. Supplement No. 4 to R.S. FERC No. 196 (supersedes supp. No. 3)...	City of Vermillion	WSM-80 revised.
49. Supplement No. 4 to R.S. FERC No. 197 (supersedes supp. No. 3)...	City of Alma	WSM-80 revised.
50. Supplement No. 4 to R.S. FERC No. 198 (supersedes supp. No. 3)...	City of Centralia	WSM-80 revised.
51. Supplement No. 4 to R.S. FERC No. 199 (supersedes supp. No. 3)...	City of Lindsborg	WTU-80 revised.
52. Supplement No. 4 to R.S. FERC No. 200 (supersedes supp. No. 3)...	City of Elwood	WSM-80 revised.
53. Supplement No. 4 to R.S. FERC No. 201 (supersedes supp. No. 3)...	City of Troy	WSM-80 revised.
54. Supplement No. 4 to R.S. FERC No. 202 (supersedes supp. No. 3)...	City of St. Johns	WTU-80 revised.
55. Supplement No. 2 to R.S. FERC No. 203 (supersedes supp. No. 1)...	City of Toronto	WSM-80 revised.
56. Supplement No. 1 to R.S. FERC No. 204 (supersedes supp. No. 1)...	City of Morrill	WSM-80 revised.

[FR Doc. 80-30698 Filed 10-1-80; 8:45 am]
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[Dockets Nos. ER80-557 and ER80-558]

Philadelphia Electric Co., Order Accepting for Filing and Suspending Proposed Rates, Denying Motion To Reject, Consolidating Dockets. Granting Intervention, and Establishing Procedures

Issued: September 25, 1980.

On July 29, 1980, Philadelphia Company (PE), in Docket No. ER80-558, tendered for filing PE's and Susquehanna Electric Company's (Susquehanna) proposed rate schedule changes for service to Conowingo Power Company (Conowingo). [1] Simultaneously, on July 29, 1980, PE tendered for filing, in Docket No. ER80-557, a proposed rate schedule change for service to the Borough of Lansdale, Pennsylvania (Lansdale). The proposed rate changes would result in increased revenues of $2,208,160 (9.8%) to Conowingo and $630,631 (11.4%) to Lansdale based on the twelve month test period ending December 31, 1980. [2] PE requests that the proposed rate changes become effective as of September 27, 1980.

On August 11, 1980, the Public Service Commission of Maryland (Maryland Commission) filed a timely notice of intervention requesting suspension and a hearing on the proposed rate increase to Conowingo. [3] The Maryland Commission states that Conowingo is a public utility which is subject to its jurisdiction and that Conowingo provides electric service to retail customers within the State of Maryland. On August 26, 1980, the Office of People's Counsel for the State of Maryland (People's Counsel) filed a petition to intervene which also requests suspension and a hearing on the proposed rate increase to Conowingo. The petition raises no substantive issues, but indicates that any increase in rates to Conowingo will affect the retail customers represented by the People's Counsel.

On September 4, 1980, Lansdale filed a document entitled "Motion to Reject, Protest and Petition to Intervene of the Borough of Lansdale, Pennsylvania." Lansdale asserts that PE's filing in Docket No. ER80-557 should be rejected or, in the alternative, suspended for five months because of (1) PE's failure to adequately explain or provide sufficient cost data to support its Period II estimates, as provided for in section 35.13(b)(4)(iii) of the Commission's regulations, (2) certain purportedly overstated cost of service adjustments, (3) improper rate design, [4] and the presence of an alleged price squeeze resulting from the proposed wholesale rate increase.

Discussion

Because common issues of law and fact may be presented in Docket Nos. ER80-557 and ER80-558, we shall consolidate these dockets for purposes of hearing and decision. We find that participation in this proceeding by the People's Counsel and Lansdale may be in the public interest. Therefore, we shall grant the petitions to intervene. The timely-filed notice of intervention submitted by the Maryland Commission is sufficient to initiate its participation as an intervenor. Lansdale's motion to reject will be denied inasmuch as PE's filing is in substantial compliance with the Commission's regulations. The issues raised by Lansdale are properly the subjects of the evidentiary hearing which we shall order below.

Our analysis indicates that PE's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders, [5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where a preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for a period of five months permitting the rates to take effect subject to refund thereafter on February 28, 1981.

As stated above, Lansdale alleges that the proposed increased rates may create an unlawful price squeeze. In accordance with Commission policy established in *Arkansas Power and Light Co.*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue. This will allow a decision first to be reached on the cost

[1] Susquehanna and Conowingo are wholly-owned subsidiaries of PE.

[2] See attachment A for rate schedule designations.

[3] Notice of the filing was issued on August 4, 1980, with comments, protests, and petitions to intervene due on or before September 4, 1980.

[4] Specifically, Lansdale maintains that PE's block-type rate design is not cost supported and does not permit Lansdale to compete for non-industrial loads. Lansdale asserts that a 29,000 kW service limitation provision in PE's proposed tariff to Lansdale is anticompetitive and is discriminatory, inasmuch as PE does not impose the service limitation on its other wholesale customers.

[5] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

of service, capitalization and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission Orders

(A) Lansdale's motion to reject is hereby denied.

(B) Docket Nos. ER80–557 and ER80–588 are hereby consolidated.

(C) The rate changes tendered by PE in Docket Nos. ER80–557 and ER80–558 are hereby accepted for filing and suspended for five months from the proposed effective date to become effective February 27, 1981, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 C.F.R., Chapter I), a public hearing shall be held to determine the justness and reasonableness of the proposed rates.

(E) The petitioners are hereby permitted to intervene in this proceeding; *provided, however,* that their participation shall be limited to the allegations as set forth in their petitions to intervene and *provided, further,* that admission of such petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders entered by the Commission in this proceeding.

(F) The Commission staff shall serve top sheets in this proceeding on or before December 19, 1980.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge shall convene a conference in this proceeding to be held within ten (10) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish all procedural dates and to rule on all motions (except motions to consolidate and sever and motions and to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedurs set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Philadelphia Electric Co. Rate Schedule Designations Dockets Nos. ER80–557 and ER80–558

Designation and Other Party

(1) Philadelphia Electric Company, Supplement No. 7 to Rate Schedule FERC No. 36 (Supersedes Supplement Nos. 5 and 6)—Conowingo Power Company.
(2) Susquehanna Electric Company, Supplement No. 7 to Rate Schedule FERC No. 2 (Supersedes Supplement Nos. 5 and 6)—Conowingo Power Company.
(3) Philadelphia Electric Company, Supplement No. 5 to Rate Schedule FERC No. 44 (Supersedes Supplement No. 2)—Borough of Lansdale.

[FR Doc. 80–30699 Filed 10–1–80; 8:45 am]
BILLING CODE 6450–85–M

[Project No. 3320]

Sugar River Hydroelectirc Power Co.; Application of Preliminary Permit

September 26, 1980.

Take notice that Sugar River Hydroelectirc Power Company (Applicant) filed on August 15, 1980, and application for preliminary permit [persuant to the Federal Power Act, 16 U.S.C. §§791(a)–825(r)] for proposed Project No. 3320 to be known as the Newport Sugar River Project located on the Sugar River in Sullivan County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. William B. Ruger, Jr., Proprietor, Sugar River Hydroelectirc Power Company, Box 293, Newport, New Hampshire 03773.

Project Description—The proposed project would consist of works located at three dam sites along a one-mile stretch of the Sugar River in the Town of Newport, New Hampshire, as follows: (1) the existing Caplan Dam, a concrete structure 175 feet long and 20 feet high, which has a reservoir of 7 acres; (2) the currently breached international Shoe Dam which when reconstructed would create a 1.5-acre reservoir; (3) the currently breached Brampton Dam, which when reconstructed would create a 5.0-acre reservoir; and (4) appurtenant facilities. Each development would include a new or refurbished existing powerhouse and appurtenant works. The entire project would have a combined installed capacity of approximately 450 kW. Applicant estimates that the average annual net generation of the project would be 2,000,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities or to local industrial concerns.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform feasibility, environmental, and marketing studies. Depending upon the outcome of the studies, the Applicant would file an application for FERC license. The Applicant estimates that the total cost of permit studies would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 1, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 30, 1981. A notice of intent must conform with the requirements of 18 C.F.R. 4.33(b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 1, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30700 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3257]

Sunnyside Valley Irrigation District; Application for Preliminary Permit

September 26, 1980.

Take notice that Sunnyside Valley Irrigation District (Applicant) filed on July 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3257 to be known as Zillah Wasteway Power Plant located on the Zillah Wasteway of the Sunnyside Canal in Yakima County, Washington. Correspondence with the Applicant should be directed to: Douglas Simpson, Chairman, Sunnyside Valley Irrigation District, P.O. Box 239, Sunnyside, Washington 98944.

Project Description—The proposed project would consist of: (1) an existing check facility, to be modified in the Sunnyside Canal at the entrance to the Zillah spillway; (2) a 2,300-foot long penstock; (3) a powerhouse containing generating units, with a total rated capacity of 10,000 kW; and (4) a transmission line. The project would utilize excess irrigation water. The maximum annual production is estimated to be 45.9 million kWh.

Purpose of Project—The Applicant intends to market the power generated by the project to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct geotechnical studies and surveys, perform preliminary designs, quantity and cost estimates, and a feasibility analysis, conduct environmental studies and assessments, and prepare an FERC license application. No new roads are required to complete the studies.

The estimated cost of the work to be performed under the preliminary permit is $300,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 21, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 21, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR § 4.33(h). A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c), as amended 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 21, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-30701 Filed 10-1-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180498; FRL 1622-8]

California Department of Food and Agriculture; Issuance of Specific Exemption for Permethrin on Almonds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") for the use of permethrin to control the navel orangeworm on 321,000 acres of almonds. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: The navel orangeworm feeds on both the kernels and hulls of almonds. Prior to hullsplit, populations develop from

mummy almond fruit that were not harvested the previous season. As harvest approaches, there is a virtual explosion of navel orangeworm. The moths which emerge at this time develop from eggs laid on the new crop at hullsplit. According to the Applicant, the navel orangeworm has caused damage to the almond industry since 1976. The Applicant indicates that losses due to uncontrolled heavy navel orangeworm infestation could reach as high as $38.7 million. In addition to the dollar loss from inedible kernels, damage caused by the navel orangeworm lowers crop quality and increases the hazard of aflatoxin contamination of kernels, the Applicant reports.

Three chemicals are registered for this use in California as special local needs. Guthion has a 45-day pre-harvest interval. The Applicant claims that its use may delay harvest, resulting in an increase in mummy almonds which in turn magnifies the problem of navel orangeworm the following season. The Applicant indicates that Imidan results in poor control and that Sevin is ineffective. The Applicant reports that losses to navel orangeworm nearly triple from 1975 to 1977 during the time when these pesticides were being used.

The Applicant proposed to apply permethrin at a rate of 0.2 to 0.4 pound active ingredient (a.i.) per acre on a maximum of 321,000 acres of almonds.

EPA has determined that residues of permethrin from the proposed use are expected to be 0.3 part per million (ppm) in almonds, 15 ppm in almond hulls, 0.25 ppm in meat and 0.05 ppm in milk. There should be no residues in poultry and eggs. These levels have been judged adequate to protect the public health.

Because of toxicological problems, EPA has recommended that protective clothing be worn by mixers/loaders/applicators. EPA has imposed appropriate restrictions to protect some endangered species that may be affected by the proposed use, and has made recommendations to protect fish-bearing waters and bees.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The products Ambush, EPA Reg. No. 10182–18, manufactured by ICI Americas Inc., and Pounce, EPA Reg. No. 279–3014, manufactured by FMC Corp., (containing the a.i. permethrin) may be used. If unregistered labels are used in connection with these products, they must contain the identical, applicable precautions and restrictions which appear on the registered labels;

2. A total of 321,000 acres may be treated;

3. A maximum of two applications (at hullsplit and post-hullsplit) at a rate of 0.2 to 0.4 pound a.i. per acre by ground or at a rate of 0.2 pound a.i., per acre by air may be made;

4. A maximum of 256,800 pounds of a.i. may be applied;

5. Application by ground will be in 100–400 gallons of water per acre and by air in a minimum of 10 gallons of water per acre;

6. Due to recently raised toxicological questions regarding permethrin, consideration should be given to minimizing any potential human exposure by requiring the use of properly worn protective gloves, long-sleeved shirts, long pants, suitable disposable plastic suits, or face shields. Other restrictions may include the use of acceptable closed systems for mixing/loading;

7. A preharvest interval of 7 days will be observed;

8. All applications shall be made by, or under the direct supervision of, an applicator State-certified for this category of pest control;

9. Livestock will not graze in treated orchard;

10. It is recommended that permethrin not be applied any closer to fish-bearing fresh waters than 1,500 feet at the 0.2 lb. a.i. rate and 2,600 feet at the 0.4 rate, nor any closer to fish-bearing salt waters than 5,200 feet at both the 0.2 and 0.4 rates. Applications closer than this may result in fish and/or other aquatic organism kills;

11. Participants are to be notified of their obligation to report any adverse effects on non-target organisms arising from the use of these products. The EPA must be immediately informed of any adverse effect resulting from the proposed use;

12. Precautions must be taken to avoid or minimize spray drift to non-target areas. It is recommended that pesticide application be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour;

13. These products are highly toxic to bees exposed to direct treatment or to residues on crops or weeds. They must not be applied or allowed to drift to weeds or crops in bloom if bees are actively visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

14. Permethrin is extremely toxic to fish and aquatic invertebrates. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff if likely to occur. Care must be taken not to contaminate water by the cleaning of equipment or disposal of wastes or excess pesticides;

15. Three endangered species, the little kern golden trout, unarmored threespine stickleback, and the blunt-nosed leopard lizard are endemic to regions in the treatment area. Permethrin must not be applied in areas where spray drift of runoff could possibly have an impact on ecosystems containing federally protected endangered and threatened species. The Applicant must contact the Office of Endangered Species (Federal) and State Fish and Game Agency personnel, prior to application, in order to determine if endangered or threatened species are located in treated or adjacent areas;

16. Almonds, almond hulls, meat, and milk with residues of permethrin not exceeding 0.3 ppm, 15 ppm, 0.25 ppm, and 0.05 ppm, respectively, may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action;

17. All applicable directions, restrictions, and precautions on the EPA-registered product labels must be observed; and

18. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by March 30, 1981.

(Sec. 18 as amended 92 Stat. 891; (7 U.S.C. 136))

Dated: September 25, 1980.

Douglas D. Campt,

Acting Assistant Administrator for Pesticide Programs.

[FR Doc. 80-30639 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-66074; FRL 1621-7]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: List of firms who have requested voluntary cancellation of registration of their pesticide products as provided for in Section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

EFFECTIVE DATE: November 3, 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, 202-7550-8050.

FOR FURTHER INFORMATION CONTACT: Lela Sykes, 202-426-8540.

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

EPA registration No.	Product name	Registrant	Date registered
1616-5	Warlasco 5% Pentachlorophenol Wood Preservative.	Warren-Douglas Chemical Co., Inc., 3002 F St., Omaha, NE 68107.	Mar. 30, 1980.
1616-68	Warlasco Pentachlorophenol 10 to 1 Concentrate.	do	June 11, 1959.
11556-44	KRS Protects Wounds, Kills Screw Worms and Maggots.	Bayvet, P.O. Box 390, Shawnee Mission, KS 66201.	Oct. 16, 1980.
11556-45	KRS Smear	do	Oct. 16, 1974.
11556-46	KRS Bomb Protects Wounds, Kills screw Worms and Maggots.	do	Oct. 16, 1974.

The Agency has agreed that such cancellation shall be effective November 3, 1980, unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation, may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Agency, 401 M St., SW Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66074]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFR as amended 86 Stat. 973 89 Stat. 751, 7 U.S.C. 136))

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-30642 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-10-M

[OPP-190000A; FRL 1623-1]

Disposal of Certain Pesticides Containing Silvex; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document corrects the date of awarding the contract referred to in the notice on the Disposal of Certain Pesticides Containing Silvex that appeared at page 60483 in the **Federal Register** of September 12, 1980 (FR Doc. 80-28203).

FOR FURTHER INFORMATION CONTACT: Ralph J. Colleli, Jr., Program Support Division (TS-766), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-755-8030).

SUPPLEMENTARY INFORMATION: In FR Doc. 30-28203 appearing in the **Federal Register** of September 12, 1980, in the 9th line of next to the last paragraph in the first column on page 60484, the date of awarding a contract to Chemical Waste Management, Inc., a subsidiary of Waste Management, Inc., of Oakbrook, Illinois, should read September 12, 1980.

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-30640 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180500; FRL 1622-7]

Maine Department of Environmental Conservation; Issuance of Specific Exemption To Use Paraquat as a Desiccant for Dry Beans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Maine Department of Environmental Conservation (hereafter referred to as the "Applicant") to use Ortho Paraquat CL (paraquat dichloride) as a desiccant on 700 acres of dry beans in Maine. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Rm. E-124, Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, fall rains, high humidity, and green plants interfere with dry bean harvest. The Applicant states that cool summer nights during this growing season have delayed plant maturity, promising to make the dry bean harvest late this fall and the usual fall rains more hazardous than normal. Green beans make the operation of harvest machinery difficult and the leaves slow the drying of soil enough to prevent the machinery from passing through the fields if heavy rains occur. In some cases, cool wet weather causes the regrowth of the plants. Weather-damaged, moldy, and sun-darkened or discolored beans are a major problem under such conditions, the Applicant reports.

In more arid dry bean-growing regions of the United States, green plants are pulled, windrowed and allowed to dry before threshing. According to the Applicant, windrowed beans in Maine, even under more favorable conditions, often become wet and the beans mold, rot, or sprout. No desiccant is presently registered for use on dry beans. Paraquat CL is currently registered as a harvest aid of soybeans and potatoes. Aerial application of paraquat dichloride is currently approved for desiccation of soybeans. The Applicant estimates the the loss of Maine dry bean producers could reach $75,000 without the use of a desiccant.

The Applicant proposed a single application of a maximum of 300 pounds of paraquat dichloride to be made by

either ground or air equipment. A 7-day pre-harvest interval will be observed.

EPA has determined that residues of paraquat in or on dry beans should not exceed 0.4 part per million (PPM) from the proposed use. This residue level has been judged adequate to protect the public health. EPA has also determined that the proposed use should pose no unreasonable threat to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the desiccant noted above until September 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Use of the product Ortho Paraquat CL, EPA Reg. No. 239–2186, manufactured by Chevron Chemical Company, is authorized. If an unregistered label is used, it must contain the identical, applicable precautions and restrictions which appear on the registered label;

2. A single application of paraquat dichloride at the rate of 0.25 to 0.5 pound active ingredient per acre will be made;

3. Application will be made in 20 to 40 gallons of water per acre by ground equipment or in 5 gallons of water per acre by air equipment;

4. A maximum of 700 acres may be treated;

5. A maximum of 350 pounds active ingredient may be applied;

6. All applications will be made by State-certified commercial or private applicators or persons under their direct supervision;

7. A pre-harvest interval of 7 days will be observed. Treated fields are not to be grazed and treated foliage is not to be fed to livestock;

8. Applications should not be made when weather conditions favor drift from the application site;

9. All applicable directions, precautions, and restrictions on the EPA-registered product label must be followed;

10. Dry beans with residues of paraquat not exceeding 0.4 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action;

11. A full report summarizing the results of this program must be submitted to EPA by March 30, 1981;

12. The EPA shall be immediately informed of any adverse effects resulting from the use of paraquat dichloride in connection with this exemption; and

13. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met.

(Sec. 18 as amended (92 Stat. 819; (7 U.S.C. 136))).

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administration for Pesticide Programs.

[FR Doc. 80-30638 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180487; FRL 1622-5]

Maine and North Dakota; Issuance of Specific Exemptions To Use Fenvalerate To Control Colorado Potato Beetle on Potatoes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions to the Maine and North Dakota Departments of Agriculture (hereafter referred to as "Maine," "North Dakota," or the "Applicant") to use fanvalerate (Pydrin) for the control of the Colorado potato beetle on 5,500 acres of potatoes in four counties in Maine and on 100,000 acres in three counties in North Dakota. The specific exemptions are issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemptions expire on September 15, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St. SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: The Colorado potato beetle is perhaps the best known beetle in the United States. Both the larvae and the adults feed on leaves of potato plants. This feeding may result in defoliation of the vines which prevents development of tubers or greatly reduces yield. Although azinphos-methyl, carbaryl, carbofuran, diazinon, endosulfan, methamidophos, methoxychlor, monocrotophos, parathion, phosalone, and phosmet are registered for use on potatoes to control this pest, Maine claims that these pesticides are unsatisfactory for Colorado potato beetle control due to pesticidal resistance. Maine reports that aldicarb provides some control only until the middle of the growing season.

Maine indicators that without the use of fenvalerate 45 percent losses can be expected, contrasted to a 5 percent loss if fenvalerate is used to control the Colorado potato beetle. This represents a financial loss of $1,355,200. North Dakota indicates that effective control of the Colorado potato beetle with fenvalerate could represent as much as $30 million.

The Applicants proposed to use fenvalerate, maunfactured under the trade name Pydrin, using ground or air equipment, in Androscoggin, Cumberland, Oxford, and York Counties in Maine, and in Pembina, Grand Forks, and Walsh Counties in North Dakota.

EPA has determined that residues of fenvalerate in or on potatoes and in milk or meat would not be expected to exceed 0.02 part per million (ppm) as a result of the proposed use. This residue level has been judged to be adequate to protect the public health. Since fenvalerate is highly toxic to bees and aquatic vertebrates and invertebrates, appropriate restrictions have been imposed. This use of fenvalerate is not expected to pose an unreasonable hazard to the environment.

After reviewing the applications and other available information, EPA has determined that the criteria for exemptions have been met. Accordingly, the Applicants have been granted specific exemptions, to use the pesticide noted above until September 15, 1980, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. The product Pydrin 2.4 E.C., EPA Reg. No. 201-401, manufactured by Shell Chemical Company, may be applied. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. Pydrin may be applied at a rate of 0.1 to 0.2 pound active ingredient per acre in Maine and at a rate of 0.1 pound active ingredient per acre in North Dakota;

3. Maine may make a maximum of four applications of Pydrin and North Dakota may make a maximum of two applications, both with a pre-harvest interval of seven days;

4. A maximum of 5,500 acres in the Maine counties and 100,000 acres in the North Dakota counties named above;

5. In Maine, a maximum of 4,400 pounds of active ingredient may be applied. In North Dakota, a maximum of 20,000 pounds of active ingredients may be applied;

6. Applications will be made with ground or air equipment;

7. In Maine, spray mixture volumes of 20-100 gallons of water will be applied by ground equipment, 5-10 gallons of water will be applied by air equipment.

In North Dakota, minimum spray mixture volumes of 10 gallons of water will be applied by ground equipment, 3 gallons of water will be applied by air equipment;

8. Applications will be made by State-certified private or commercial applicators or persons under the direct supervision of a State-certified applicator;

9. Pydrin may be applied when there is a field average of:

a. 5 larval Colorado potato beetles per plant,

b. 2 overwintering Colorado potato beetle adults per plant, or

c. 5 first-generation Colorado potato beetle adults per plant.

10. Fenvalerate is toxic to aquatic organisms. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where runoff is likely to occur. It may not be applied when weather conditions favor drift from treated areas. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes or excess pesticides;

11. Fenvalerate should not be applied any closer to fish-bearing waters than indicated in the charts below:

Fenvalerate Application Rate

[Buffer zone—feet]

Height and method	Pounds per acre	
	(0.1)	(0.2)
2 feet/ground spray:		
Freshwater	200	300
Saltwater [1]		
8 feet/aerial spray:		
Freshwater	750	1,250
Saltwater		

[1] Marine organism toxicity is low.

It is recommended that pesticide applications be made where wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour. Applications closer than those allowed in the above chart may result in fish and/or aquatic invertebrate kills;

12. Fenvalerate is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom if bees are actively visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

13. Potatoes treated according to the above provisions will not have residues of fenvalerate in excess of 0.02 ppm. Residues of fenvalerate in meat and milk will not exceed 0.02 ppm. Potatoes with residues of fenvalerate which do not exceed 0.02 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of these actions;

14. Root crops other than potatoes may not be planted for 12 months after the last application. No other crop may be planted for 60 days after the last application;

15. The EPA will be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with these exemptions; and

16. The Applicants are each responsible for assuring that all of the provisions of its specific exemption are met and each must submit a report summarizing the results of its program by February 15, 1981.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: September 25, 1980.

Douglas M. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-30636 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180480; FRL 1622-6]

Massachusetts and New Jersey; Issuance of Specific Exemptions for Fenvalerate on Eggplants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions to the Massachusetts Department of Food and Agriculture and the New Jersey Department of Environmental Protection (hereafter referred to as "Massachusetts," "New Jersey," or the "Applicants") for the use of fenvalerate on 400 acres of eggplants in Massachusetts and on 1,000 acres of eggplants in New Jersey. New Jersey initiated a crisis exemption for this use on May 13, 1980. The specific exemptions were issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemptions expire on October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: Both the larvae and adults of the Colorado potato beetle feed on the leaves of eggplants. This feeding may result in defoliation of the plant which prevents development of the fruit or greatly reduces fruit size. The pest also feeds on the fruit.

There are many chemicals registered for control of this pest on eggplants. There is a growing pesticidal resistance to these products. Last year the Applicants were granted specific exemptions for the use of permethrin to control the Colorado potato beetle. The Applicants indicate that due to possible phytotoxicity with permethrin and current agency toxicological concerns with respect to permethrin, they requested the use of fenvalerate to meet the emergency.

New Jersey estimates that financial losses could be as high as $2,350,000 without the use of fenvalerate. Massachusetts indicates that without the use of fenvalerate net profits would be so low that it would create too great a risk to grow eggplants in Massachusetts.

New Jersey requested the use of 700 pounds of fenvalerate, the active ingredient (a.i.), to treat up to 1,000 acres of eggplants grown throughout the State. Massachusetts requested the use of 280 pounds a.i. to treat up to 400 acres. A maximum of seven applications will be made with ground equipment (or by air equipment in New Jersey) at a rate of 0.1 pound a.i. per acre. A pre-harvest interval of three days is proposed.

EPA has determined that the proposed use should not result in residues of fenvalerate in excess of one part per million (ppm). This level has been judged adequate to protect the public health. EPA has also determined that the proposed use should not pose an unreasonable threat to the environment.

After reviewing the applications and other available information, EPA has determined that the criteria for exemptions have been met. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until October 1, 1980, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. The product Pydrin 2.4 EC (EPA Reg. No. 201-401), manufactured by Shell Chemical Co., may be applied at a rate of 0.1 pound a.i. per acre. If an unregistered label is used, it must contain the identical, applicable precautions and restrictions which appear on the registered label;

2. A maximum of seven applications of fenvalerate may be made with a pre-harvest interval of three days;

3. A maximum of 400 acres in Massachusetts and 1,000 acres in New Jersey may be treated;

4. A maximum of 280 pounds a.i. in Massachusetts and 700 pounds a.i. in New Jersey may be applied;

5. Applications will be made with ground equipment with a spray mixture volume of 40 or more gallons of water in both States. New Jersey may also make aerial applications at a rate of 0.1 pound a.i. in a spray volume of 5 gallons of water, per acre;

6. Applications will be made by State-certified private or commercial applicators or persons under the direct supervision of a State-certified applicator;

7. Fenvalerate is extremely toxic to fish and aquatic invertebrates. It must be kept out of any body of water. It may not be applied where runoff is likely to occur. It may not be applied where runoff is likely to occur. It may not be applied when weather conditions favor runoff or drift from treated areas. Care must be taken not to contaminate water by the cleaning of equipment or disposal of wastes;

8. Precautions will be taken to avoid spray drift to non-target areas. It is recommended that applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speed exceeds 10 miles per hour;

9. Fenvalerate should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application height/method	Application rate—pounds per acre
2 Ft./ground spray	0.1
Freshwater	200
Saltwater	(1)
8 Ft./aerial spray	0.1
Freshwater	750
Saltwater	(1)

[1] Marine organism toxicity is low.

The Applicants are warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills. It is recommended that the appropriate State Department of Fish and Game be notified prior to the initiation of this program;

10. Fenvalerate is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the treatment area. Protective information may be obtained from each State's Cooperative Agricultural Extension Service;

11. Treated acreage may not be rotated to root crops for 12 months after the last application of fenvalerate. Treated acreage may not be rotated to any other crop for 60 days after the last application of fenvalerate;

12. Eggplants treated according to the above provisions will not have residues of fenvalerate in excess of 1 ppm. Eggplants with residues of fenvalerate which do not exceed 1 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action;

13. The EPA will be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with these exemptions; and

14. The Applicants are each responsible for assuring that all of the provisions of its specific exemption are met and each must submit a report summarizing the results of its program by March 1, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 30637 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180497; FRL 1622-3]

New Jersey Department of Environmental Protection; Issuance of Specific Exemption To Use Cyhexatin To Control Two-Spotted Spider Mites on Eggplants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the New Jersey Department of Environmental Protection (hereafter referred to as the "Applicant") to use a total of 800 pounds of cyhexatin to control the two-spotted spider mite on 1,000 acres of eggplants in New Jersey. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St. SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, two-spotted mites cause considerable damage to the eggplant crop; mites pierce the leaf epidermis with their mouth parts and suck sap, initially causing the leaf to appear stippled with yellow spots. Heavy infestations result in yellow-colored leaves that eventually become non-productive and drop from the plant causing loss in plant vigor and crop yield reduction. Hot and dry weather accelerates mite build-up.

According to the Applicant, mite resistance to EPA-registered products, such as ethion, naled, malathion, and mevinphos, has caused these products to be ineffective. The Applicant further claims that although carbophenothion and oxydemeton-methyl are EPA-registered and somewhat effective, the pre-harvest interval of seven days is incompatible with harvesting every three to four days. The Applicant estimates that the eggplant industry in New Jersey could suffer a loss as high as $540,000, without the use of cyhexatin.

The Applicant proposes to use a maximum of 1,600 pounds of Plictran 50 W Miticide, a cyhexatin formulation manufactured by Dow Chemical Company, EPA Reg. No. 464-393. State-certified applicators will make a maximum of four applications by air or ground at a rate of 0.1 to 0.2 pound active ingredient per acre.

EPA has found that adequate data are available to support the request. Permanent tolerances for cyhexatin have been established in a range from 0.05 part per million (ppm) to 60 ppm. Only a minor portion of the total United States eggplant production is involved. Residue data indicate that residues of cyhexatin and its organotin metabolite under this use would not be expected to exceed 0.5 ppm. This residue level has been judged adequate to protect the public health. EPA has imposed a three-day pre-harvest interval.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 1, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Use of the product Plictran 50 W Miticide, EPA Reg. No. 464-393, manufactured by Dow Chemical Company, is authorized. If an unregistered label is used, it must contain the identical, applicable precautions and restrictions which appear on the registered label;

2. Applications may be made by ground or air at a rate of 0.2 pound cyhexatin per acre;

3. A maximum of 1,000 acres of eggplant crop may be treated;

4. A maximum of 1,600 pounds of Plictran 50 W may be applied;

5. A maximum of four applications may be made and a pre-harvest interval of three days shall be observed;

6. Eggplants with a residue level of cyhexatin not exceeding 0.5 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action;

7. All applicable directions, precautions, and restrictions on the product label must be followed;

8. The EPA must be informed immediately of any adverse effects to man or the environment resulting from this use;

9. The Applicant is responsible for ensuring that all provisions of this specific exemption are followed; and

10. A final report summarizing the results of this program shall be submitted to EPA by March 1, 1981.

(Sec. 18 amended 92 Stat. 819; (7 U.S.C. 136))

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-30634 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-50021; FRL 1621-8]

Toxic Substances; Premanufacture Information; Access by Contractor and Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has contracted with the American Management Systems, Inc. (AMS) and its subcontractor, Management Design, Inc. (MDI), to conduct an internal study of the review processes involved in implementing the Toxic Substances Control Act (TSCA). During this study it will be necessary for employees of AMS and MDI to have access to information which may contain confidential business information (CBI).

DATE: Access to information submitted and claimed to be confidential will occur no sooner than either 5 or 10 days after publication date.

FOR FURTHER INFORMATION CONTACT: Mr. John B. Ritch, Jr., Director, Industry Assistance Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, 202/554-1404, or toll free 800/424-9065.

SUPPLEMENTARY INFORMATION: Under TSCA, EPA requires chemical manufacturers and/or importers to submit certain information which may be claimed confidential. In an effort to improve the efficiency with which these submittals are handled, EPA has arranged with AMS and MDI to conduct a study for the Management Support Division (MDS) of EPA to document the existing procedures for reviewing this information. This study will extend over a 6 month period and will initially deal with the Office of Toxic Substances (OTS) document control and tracking procedures and later encompass the Premanufacturing Notice (PMN) review process, as well as other reporting requirements. Pursuant to 40 CFR 2.306(j), it has been determined that such disclsoure of CBI to AMS and MDI is necessary for the satisfactory performance of this contract.

At no time will AMS or MDI be allowed to remove any CBI information from EPA, nor will they be permitted in the course of this study to take notes containing CBI. AMS and MDI will only have access to CBI information while working on site at EPA. AMS and MDI personnel will have signed nondisclosure agreements and will be briefed on appropriate security procedures which must be followed.

Dated: September 23, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 80-30641 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180492; FRL 1622-4]

Washington State Department of Agriculture; Issuance of Specific Exemption for Propham

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use propham on 25,000 acres of turnips east of the Cascade Mountains in Washington. The specific exemption is granted under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, volunteer grain (wheat, oats, and barley) infestations occur whenever turnips are planted following the harvest of a grain crop. Turnips have a much higher feed value than grain and when the volunteer grain is reduced, much greater total digestible nutrients per acre and dry matter can be produced from the turnip crop. The usual farm practice for grain growers in Washington is to plant grains in the spring, harvest them in July, and let the land lie fallow through September.

The Applicant states that an estimated $200 million in crops has been lost due to the fallout from Mount St. Helens; $92 million worth was in grain crops. Because of these losses, the growers are looking for alternative feed items for animals. Turnips offer an excellent alternative producing 35 to 40 tons of green weight per acre, according to the Applicant. Currently, there are no registered herbicides to control volunteer grain in turnips.

The Applicant proposes to apply 2 to 4 pounds of propham per acre to fields second cropped to turnips following small grains. Application will be made by ground equipment or aircraft, followed by overhead irrigation within 24 hours, on 25,000 acres of turnips east of the Cascade Mountains.

EPA has determined that residues of propham in or on turnips from the proposed use should not exceed 0.1 part per million (ppm) as long as a 30-day pre-harvest interval is observed. This level has been judged adequate to protect the public health. No detectable residues of propham are expected in meat and milk. The proposed use is not expected to present an undue hazard to the environment.

After reviewing the application and other available information, EPA has determined that the natural disaster of the Mount St. Helens eruption meets the criteria for an exemption. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1980, in the manner and to the extent set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Chem Hoe FL4, EPA Reg. No. 748-207, produced by PPG Industries, may be used;

2. Only those turnips planted in small grain fields which were destroyed or damaged (20 percent or more loss) by the Mount St. Helens eruption may be treated with propham;

3. Propham may be applied at a rate of 2 to 4 pounds per acre by sprinkler irrigation water, ground-applied with a minimum of 20 gallons of water per acre, or by aircraft with 5 to 10 gallons of water per acre. Application is to be followed by overhead irrigation within 24 hours;

4. A 30-day pre-harvest interval is imposed;

5. Applications are to be made by licensed commercial applicators or qualified growers;

6. Applicable precautions, restrictions, and directions on the registered label are to be followed;

7. Residues of propham are not expected to exceed 0.1 ppm in or on turnips. Turnips with residues of 0.1 ppm or less may be used as feed items or enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action;

8. The EPA shall be immediately informed of any adverse effects resulting from the use of propham in connection with this exemption; and

9. The Applicant is responsible for ensuring that all provisions of the specific exemption are met and must submit a report summarizing the results of this program by December 31, 1980.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: September 25, 1980.

Douglas D. Campt,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-30635 File 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1621-4]

Northern Indiana Public Service Co., Jasper County, Ind.; Final Determination

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 Northern Indiana Public Service Company (NIPSCO), Schahfer Generating Station, Jasper County, Indiana.

On June 21, 1979, NIPSCO 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 December 11, 1979, NIPSCO was notified that its application was complete and preliminary approval was granted.

On January 3, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to NIPSCO. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by NIPSCO, the Company was notified on March 31, 1980, that U.S. EPA had determined that the proposed new construction in Jasper County, Indiana 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 NIPSCO of the responsibility to comply with the control strategy 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.

U.S. Environmental Protection Agency

Region V

[EPA-5-A-80-18]

Approval to Construct

In the matter of Northern Indiana Public Service Company, Hammond, Indiana. Proceeding Pursuant to the Clean Air Act, as amended.

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 Northern Indiana Public Service Company (NIPSCO) plans to construct two coal-fired boilers (Units 17 and 18) at their existing Rollin M. Schahfer Generating Station in Jasper County, 2.5 miles northeast of Wheatfield, Indiana. Construction of Unit 18 will commence approximately a month after the commencement of construction of Unit 17.

2. Jasper County is a Class II area as determined pursuant to Section 162 of the Act and has been designated attainment for all criteria pollutants pursuant to Section 107 of the Act.

3. The capacity of each unit (17 and 18) is in excess of 250 MMBTU per hour heat imput and each is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

4. Both Units 17 and 18 require a full PSD review because potential and allowable emissions are greater than 100 tons per year (TPY) for total suspended particulate (TSP), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), carbon monoxide (CO) and hydrocarbons (HC).

5. NIPSCO submitted a PSD application to the U.S. Environmental Protection Agency (U.S. EPA) on June 21, 1979. On September 10, September 27, and November 5, 1979, NIPSCO submitted additional information for review. On December 11, 1979, the application was determined to be complete and preliminary approval was granted.

6. On January 3, 1980, notice was published in the Kankakee Daily Journal. The notice sought written comments from the public on the NIPSCO application and the U.S. EPA's preliminary approval of the proposed construction. There were no public comments and no requests for a public hearing.

7. After review and analysis of the material submitted by NIPSCO, U.S. EPA has determined that emissions from the construction and operation of Units 17 and 18 at the Schahfer Generating Station will not cause or significantly contribute to violations of the National Ambient Air Quality Standards (NAAQS) within the vicinity of the Schahfer Station or in the nearby non-attainment areas. Furthermore, Units 17 and 18, will not cause exceedances of the Class II PSD increments for SO_2 and TSP within the Schahfer Station's area of significant impact and that emissions from these units will be reduced by the application of the Best Available Control Technology (BACT).

Conditions

8. The maximum sulfur and ash contents of the bituminous coal shall not exceed 3.5 percent and 13.9 percent by weight respectively.

9. Each boiler unit shall not be operated in excess of 3,967 MMBTU per hour heat input.

10. Particulate emissions from each of the boiler units (17 and 18) shall not exceed 0.03 pounds per million BTU heat input.

11. The opacity of the exhaust gases shall not exceed 20 percent based on a six-minute average except for one six-minute period per hour of opacity not exceeding 27 percent.

12. The sulfur dioxide emission rate from each unit shall not exceed 0.62 pounds per million BTU of heat input.

13. A 90 percent reduction in potential SO_2 emissions is required, as determined on a continuous basis by using continuous monitors to obtain a 30-day rolling average.

14. Nitrogen oxide emissions from each boiler shall not exceed 0.6 pounds per million BTU heat input.

15. Particulate emissions from coal unloading shall not exceed 10 percent opacity for the duration of the unloading operation.

16. All coal conveyors shall be completely enclosed.

17. All transfer points shall be completely enclosed.

18. Particulate emissions from the crusher house, conveyor room and reclaim tunnels shall be controlled to 99 percent.

19. Fugitive emissions from the coal piles shall be minimized by compaction and other appropriate mesures (surfactant spray etc.).

20. Bottom and fly ash handling, storage and transport shall be controlled by wetting and or by installation of baghouses. The trucks utilized for ash disposal shall be covered.

21. Continuous monitoring of the control equipment indicating parameters shall be carried out to correct malfunctions and to ensure proper operation at required control efficiency.

(a) For an electrostatic precipitator (ESP); potential difference and spark rate;

(b) For the scrubber; pH, pressure drop, and flow rates.

Conditions 10 through 20 represent the application of best available control technology as required by Section 165 of the Act.

22. NIPSCO must construct and operate the two coal-fired boilers (Units 17 and 18) 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

23. Approval to construct the two coal-fired boilers (Units 17 and 18) is hereby granted to the Northern Indiana Public Service Company 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 U.S. EPA.

24. The United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* v. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the U.S. EPA prevention of significant deterioration (PSD) program and approvals issued thereunder. It is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing progam. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

25. This approval to construct does not relieve NIPSCO of the responsibility to comply with the control strategy 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.

26. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion 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 5 days after construction is commenced.

27. A copy of this approval has been forwarded to the Jasper County Public Library, Van Rensselaer and Angelica Streets, Rensselaer, Indiana for public inspection.

Dated: March 31, 1980

John McGuire,

Regional Administrator.

[FR Doc. 80-30644 File 10-1-80; 8:45 am]

BILLING CODE 6560-01-M1

[FRL 1620-1]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of July 1, 1980 and July 31, 1980.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the EPA source of review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1980 report; the backlog of reports should be eliminated over the next two months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Potection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, Telephone 202/755-2808.

Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: September 25, 1980.

Thomas R. Sheckells,

Acting Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which comments Were Issued Between July 1 and July 31, 1980*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
D-COE-C36030-NJ	Green Brook Sub-Basin, Flood Control, Somerset, Middlesex and Union Counties, New Jersey	ER2	C
DS-COE-F36069-OO	Modification Project, Big Stone Lake, Whetstone River, Big Stone and Lac Qui Parle Counties, Minnesota and Grant County, South Dakota.	LO2	F
D-COE-K32025-HI	Kikiaola Harbor Navigation Improvement Study, Island of Kauai, Hawaii	LO1	J
D-COE-L03003-AK	Prudhoe Bay Oil Field Waterflood Project, Prudhoe Bay, North Slope Borough, Alaska	ER1	K

Appendix I.—*Draft Environmental Impact Statements for Which comments Were Issued Between July 1 and July 31, 1980*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	Department of Agriculture		
D-AFS-J39011-WY	Cheyenne Stage II Water Division, Proposal, Medicine Bow National Forest, Albany and Carbon Counties, Wyoming.	3	I
D-AFS-J61032-CO	Cache la Paudre Wild and Scenic River, Roosevelt National Forest, Larimer County, Colorado	LO1	I
D-AFS-L61138-OR	Winter Sports Development, Wallowa Valley Area, Mount Howard/Wing Ridge Expansion, Wallowa County, Oregon.	ER2	K
D-SCS-G36085-OK	Lost Duck Creeks Watershed, Kay County, Oklahoma	LO1	G
	Department of Commerce		
RD-NOA-A90049-FL	Looe Key National Marine Sanctuary Reef Tract, Florida	LO2	A
D-NOA-B90004-RI	Narragansett Bay Estuarine Sanctuary, Grant, Newport County, Rhode Island	LO2	B
D-NOA-C91001-OO	Spiny Lobster Fishery Management Plan, Puerto Rico and Virgin Islands	LO2	C
D-NOA-B86004-PA	Pennsylvania Coastal Zone Management Program (CZM)	ER2	D
D-NOA-K86009-TT	Northern Mariana Islands Coastal Resources Management Program, Trust Territories	LO2	J
D-NOA-K86010-TT	American Samoa Coastal Resources Management Program, Trust Territories	LO2	J
	Department of Defense		
DS-USN-E11006-GA	Preferred Alternative Location for Fleet Ballistic Missile (FBM), Submarine Support Base, Kings Bay, Camden County, Georgia.	ER2	E
	Department of Energy		
D-DOE-D84004-WV	Solvent Refined Coal (SRC) II Demonstration Project, Fort Martin, Monongalia County, West Virginia.	3	D
	Department of the Interior		
D-BLM-A02156-CA	Proposed 1981 Outer Continental Shelf Oil and Gas Lease Sale Offshore Central and Northern California, OCS Sale No. 53.	ER3	A
D-BLM-G61013-NM	San Juan Grazing Management, San Juan, Rio Arriba, and Sandoval Counties, New Mexico	ER1	G
D-BLM-J01029-OO	Green River-Hams Fork, Coal Lease, Moffat, Rio Blanc and Routt Counties, Colorado and Albany and Carbon Counties, Wyoming.	ER2	I
D-BLM-J61034-MT	Humbug Spires Wilderness Designation, Silver Bow County, Montana	LO1	I
D-BLM-J61035-MT	Bear Trap Canyon Wilderness Designation, Madison County, Montana	LO1	I
D-BLM-J99017-MT	Mountain Foothills Grazing Management Unit, Beaverhead, Deer Lodge, Madison and Silver Bow Counties, Montana.	ER1	I
D-BLM-J99018-OO	Kanab/Escalante Grazing Management, Washington, Kane, and Garfield Counties, Utah and Coconino County, Arizona.	ER2	I
D-BLM-J99020-UT	Mountain Valley Grazing Management, Sansete, Sevier, and Piute Counties, Utah	LO1	I
	Department of Transportation		
D-CGD-G50005-LA	Mississippi River Bridge, Gramercy to Wallace, St. John and St. John Baptist Parishes, Louisiana.	LO2	G
D-FHW-E40191-NC	Fayetteville CBD Loop, Hay Street to U.S. 301, Fayetteville City, Cumberland County, North Carolina.	LO1	E
D-FHW-F40150-MI	I-94 Interchange Improvements, Wiard Road, and I-94 Widening, Ypsilanti Township, Wayne County, Michigan.	ER2	F
D-FHW-F40151-MI	I-94 Interchange Improvements, Meriman and Middlebelt Roads, Wayne County, Michigan	LO2	F
D-FHW-L40096-AK	South Fairbanks Expressway, Parks Highway to Richardson Highway, Fairbanks, Alaska (FHWA-AK-EIS-80-2-D).	ER2	K
D-FHW-L40097-WA	Government Way/Lindeke Street Corridor, Greenwood Road to Sixteenth Avenue and U.S. 195, Spokane County, Washington.	ER2	K
D-FHW-L40098-WA	Northriver Drive Project, Washington Maple Street to Mission Avenue, Spokane, Spokane County, Washington (FHWA-WA-EIS-80-03-D).	ER2	K
D-UMT-E54003-FL	Downtown People Mover, Miami, Dade County, Florida	LO2	E
	Federal Energy Regulatory Commission		
D-FRC-J05001-MT	Kootenai River Hydroelectric Project, Lincoln County, Montana	ER3	I
	Department of Health Education and Welfare		
D-HEW-D80011-MD	Food and Drug Administration Headquarters Laboratory Facilities, Beltsville, Maryland	3	D
	Department of Housing and Urban Development		
D-HUD-C85023-PR	Alturas de Rio Grande, Phase II, Rio Grande, Puerto Rico	ER2	C
D-HUD-G24008-NM	Water, Sewer and Access Facilities, South University Industrial Park, Albuquerque, Bernalillo County, New Mexico.	LO1	G
	Nuclear Regulatory Commission		
D-NRC-A22077-OO	Primary Cooling System Chemical Decontamination at Dresden Nuclear Power Station, Unit No. 1; Commonwealth Edison Company Docket No. 50-10.	LO2	A
D-NRC-D00003-VA	Steam Generator Repair, Surry Power Station, Unit No. 1, Vepco, Virginia	LO2	D

Water and Power Resource Service			
DS-WPR-K39001-CA	Auburn Dam, Auburn—Folsom South Unit, American River Division, Central Valley Project, California.	LO1	J
D-WPR-K39012-CA	New Melones Lake Stanislaus River, Central Valley Project, California	3	J

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between July 1 and July 31, 1980*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
F-AFS-L65057-AK	Proposed Recreational Development and Independent Timber Sale, Gilbert Bay/Holkam Bay Area, Tongass National Forest, Southeast Alaska.	EPA's concerns were adequately addressed in the final EIS. EPA recommends that the Forest Service limit the scope of the issues and alternatives to those identified during the scoping process.	K
F-REA-H008003-KS	Holcomb to Spearville 345 kV Transmission Facilities, Finney, Fray, and Ford Counties, Kansas.	EPA has severe environmental reservations for the following reasons: (1) The utility applying for the loan guarantee had negotiated for and contracted with landowners for power line easements before the REA had completed the final EIS, (2) although the EIS states the 345 kV powerline should be located a minimum of 400 feet from residences, the line will be within 150 feet of at least one residence. EPA has requested REA withhold approval of the loan guarantee until the utility has agreed to locate the line at least 400 feet from all residences.	H
Department of Commerce			
RF-NOA-A90041-CA	Proposed Channel Islands Marine Sanctuary, Pacific Ocean Off the Coast of California.	EPA supports strongly NOAA's proposal to designate a Channel Islands marine sanctuary. EPA believes that sanctuary designation will elevate the recognition and significance of this extraordinary marine ecosystem. To this end, EPA believes it would be helpful if the final designation document emphasizes the vulnerability of the area to the continuing and increasing human activities off the California coast.	
F-NOA-B91015-OO	United States Atlantic Bluefin Tuna Fishery, Fishery Management Plan (FMP).	EPA's concerns were adequately addressed in the final EIS	B
Department of Energy			
F-DOE-A00138-CO	Rocky Flats Plant Site, Golden, Jefferson County, Colorado (DOE/EIS-0064).	Generally, EPA's concerns were adequately addressed in the final EIS	A
Department of Transportation			
F-FHW-B40024-CT	Central Connecticut Expressway, Formerly I-291, Farmington, New Britain, Newington, Berlin, and Cromwell, Hartford and Middlesex Counties, Connecticut.	EPA's concerns were adequately addressed in the final EIS. EPA feels that an adequate measure of protection should be provided to private wells to insure that the proposed expressway will have no appreciable impact on drinking water resources. EPA recommends that an existing closed drainage system be extended to a point outside of the influence of private wells. EPA believes other agencies comments on night-time noise levels could have been better responded to by FHWA in the final EIS.	B
F-FHW-J40043-CO	Centennial Parkway Project, CO-470, Colorado	EPA offered several comments relating to air, noise, and wetland impacts	I
FS-FHW-K40002-CA	CA-118, Simi Valley/San Fernando Valley Freeway, Los Angeles, California.	EPA's concerns were adequately addressed in the final supplement	J
F-FHW-K40064-CA	Highway Improvement Program, CA-203, Madera County Line to Junction 395 R0.0 to R8.6, Mammoth Lakes Village, Mono County, California.	EPA's concerns were adequately addressed in the final EIS	J
F-FHW-L40081-OR	Walnut Boulevard, King Boulevard to Northwest Walnut Boulevard, Benton County, Oregon.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA recommends that future EIS's describe the adequacy of the storm drainage system for flood prevention, also provide an analysis of the impact of road runoff on water quality.	K
F-UMT-K54004-CA	Los Angeles Downtown People Mover Project, Los Angeles County, California.	EPA's concerns were adequately addressed in the final EIS	J

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between July 1 and July 31, 1980*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
		Federal Energy Regulatory Commission	
F-FRC-K05007-CA	North Fork Stanislaus River Project No. 2409, Calaveras County, California.	EPA continues to have environmental reservations regarding the maintenance of water quality, recreational values, the protection of wetlands and fish and wildlife resources. Although mitigation measures are proposed, there are no assurances that they will be implemented as part of the project.	J
		Department of Housing and Urban Development	
F-HUD-D85021-MD	Youngstown Planned Development, Washington County, Maryland.	EPA's concerns were adequately addressed in the final EIS.	D
F-HUD-E85045-FL	Argyle Forest New Town, Mortgage Insurance, Jacksonville, Duval and Clay Counties, Florida.	Generally, EPA's concerns were adequately addressed in the final EIS. The proposed project appears satisfactory subject to the waste water system meeting the required standards and not contaminating the ground water supply.	E
F-HUD-E85058-SC	Crowfield Plantation Planned Unit Development, Charleston, Berkeley County, South Carolina.	EPA's concerns were adequately addressed in the final EIS.	E
F-HUD-E85062-FL	Sabal Point Villages, Seminole County, Florida	EPA has environmental reservations concerning the proposed project. EPA continues to urge HUD to postpone any decision to provide mortgage insurance for the planned development until environmental assessments of floodplains and sensitive soils are completed or to condition mortgage insurance, stipulating that no development shall take place in floodplains or areas with poor drainage capabilities.	E
F-HUD-J85033-CO	Rockrimmon Lake Area, Colorado Springs, El Paso County, Colorado.	EPA suggested HUD contact the city of Colorado Springs to determine whether capacity will exist in the short term to handle the anticipated flows from the proposed project.	I
F-HUD-J85035-CO	Lafayette Park Housing Development, Lafayette Boulder County, Colorado.	EPA's concerns were adequately addressed in the final EIS.	I
F-HUD-K24000-CA	Kenyon Drive and South-Bonneview Trunk Sewer Extensions, Shasta County, California.	EPA's concerns were adequately addressed in the final EIS.	J
		Interstate Commerce Commission	
F-ICC-E53005-MS	Finance Dockets 29170F and 29220, Golden Triangle Railroad Company, Lowndes County, Mississippi.	EPA's concerns were adequately addressed in the final EIS. Further, EPA feels that if Gilmer and Magowah Creek are crossed on trestles and proper erosion control measures are included as part of the contract specifications, long term adverse environmental consequences should be minimized.	E
		Nuclear Regulatory Commission	
F—NRC-F06003-WI	La Crosse Boiling Water Reactor, Dairyland Power Cooperative, License, Vernon County, Wisconsin.	EPA's concerns were adequately addressed in part by the final EIS and additionally through discussions with NRC staff. EPA will encourage the Wisconsin Department of Natural Resources to reevaluate the intake design during permit reissuance and determine measures to be taken to improve the design.	F

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between July 1 and July 31, 1980*

Identifying No.	Title	Source of review
	Corps of Engineers	
FA-COE-A32188-MT	Libby Dam and Lake Koocanusa, Additional Units, Lincoln County, Montana	I
FS-COE-L34007-AK	Chena River Lakes Flood Control Project, Alaska	K
	Department of Commerce	
FS-NOA-L64012-AK	Proposed Amendment, Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 Degrees East Longitude.	K
F-NOA-L90017-WA	Padilla Bay Estuarine Sanctuary, Skagit County, Washington	K
	Department of the Interior	
F-BLM-L65055-ID	Bannock and Oneida Grazing Management Plan, Burley District, Cassia, Oneida, Power and Bannock Counties, Idaho	K
	Department of Housing and Urban Development	
FS-HUD-A86104-OO	Interstate Land Sales Registration	A
	Federal Energy Regulatory Commission	
F-FRC-L03002-AK	Prudhoe Bay Project Construction, Operations of Sales Gas Conditioning Facility, Prudhoe Bay, Alaska	K

Appendix V.—*Regulations, Legislation, and Other Federal Agency Actions for Which Comments Were Issued Between July 1 and July 31, 1980*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
R-COE-A86169-OO	33 CFR Part 396, Flood Damage Prevention; Level of Protection for Urban Areas; Proposed Policies and Procedures (ER 1105-2-XXX) (45 FR 27378).	EPA believes the proposed rule is a comprehensive treatment of urban flood damage prevention. The final rule, however, should resolve or clarify the inconsistencies between this rules use of flooding definitions and the usual frequency based flooding definitions used by other agencies. The final rule should also expand the discussion on the use of nonstructural flood damage reduction measures.	A
A-COE-D35025-MD	Assessment, 125 Acre Disposal Area, Dredging of Wicomico River, Wicomico County, Maryland.	EPA maintains that a sound management program be established prior to site utilization. Plans should include feasible dewatering and consolidation measures.	D
	Department of Commerce		
A-EDA-A86172-OO	Implementing the National Environmental Policy Act; Revised EDA Directive; Action: Notice of Availability for Public Comment of EDA Procedures to Implement the National Environmental Policy Act (45 FR 41028).	EPA found that this directive does not fully address the secondary or the cumulative impacts of projects funded with EDA assistance, EPA also suggested a number of detailed, technical improvements in this directive.	A
	Department of the Interior		
A-BLM-A02151—OO	Outer Continental Shelf (OCS), Gulf of Mexico; Proposed Oil and Gas Lease Sale No. A62, (45 FR 36531).	EPA remains concerned that deepwater tracts are still proposed in this sale, insofar as subsea technology will be used in these areas. EPA urges BLM to begin work with USGS to formally regulate this technology. EPA also suggests that the final sale notice clarify lease stipulations for the topographic highs lease tracts.	A
R-BLM-A65138-OO	43 CFR Parts 9, 2920, Leases, Permits, and Easements; Land Use Authorizations Under the Federal Land Policy and Management Act (45 FR 31264).	EPA does not believe any adverse air or water quality impacts would result from the implementation of these proposed rules.	A
A-DOI-D64003-DE	Assessment, Development Project, Prime Hook National Wildlife Refuge, Susses County, Delaware.	EPA has no objection to the proposed action. However, EPA is concerned that the structures be controlled so flooding does not occur outside the refuge boundaries. Also, the vegetation must be monitored to attain the predicted species repopulations such as rushes, three-square, pondweeds and millet.	D
A-IGS-A90050-00	Floodplains and Wetlands Executive Orders; Availability for Public Comment on Geological Survey Interim Procedures for Implementation; Action: Interim Guidelines (45 FR 36559).	EPA believes that USGS's proposed approach of simply reference existing documents (NEPA and accompanying CEQ regulations; WRC's floodplain management guidelines; and the unified national program for floodplain management) does not provide the procedural guidance necessary for field personnel to make on site decisions affecting agency actions in floodplains and wetlands.	A
A-SFW-A64050-OO	Notice, Draft National Fish and Wildlife Policy (45 FR 29542).	EPA recommends the next draft provide a detailed discussion of the problems the service hopes to address and resolve by development of this policy. EPA recommends the next draft contain definitions and a background discussion for each of the thirteen topics listed. EPA recommends expansion of the issue list to include those water related activities which result in modifications to the hydrologic regime and those which may degrade water quality.	A
	Department of Transportation		
R-DOT-A59002-OO	14 CFR Parts 152 and 199; 23 CFR Parts 420, 450, 630, and 1204; 49 CFR Parts 258, 260, and 266; Energy Conservation by Recipients of Financial Assistance (OST Docket No. 66; Notice 80-4) (45 FR 30398).	EPA commended DOT on the conprehensive approach taken to facilitate energy conservation. EPA favored an increased emphasis on intermodal planning and analysis through which the energy consumption component of various transportation modes could be compared. EPA also suggested that the energy analysis of alternatives, as proposed for the FHWA, be used as an effective tool in project planning and design for the other modal administrations within DOT. EPA's Office of Transportation and land use policy provided several other detailed comments in a separate letter.	A
N-FAA-D51017-VA	FNSI, Proposed Development, Norfolk International Airport, Norfolk, Virginia.	EPA has no objections to further development of the project as described	D

Appendix VI—Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213)—Environment Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region 1—Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2—Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3—Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4—Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30308.

F. Director of Public Affairs, Region 5—Environmental Protection Agency, 230 South Dearborn Street., Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6—Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7—Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8—Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9—Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.

K. Director of Public Affairs, Region 10—Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 80-30375 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 828]

Authority Delegations; Authority of Officers of the Farm Credit Administration To Act as Governor in the Event That the Governor Is Absent or Not Able to Perform the Duties of His Office for any Other Reason (Revocation of FCA Order No. 808)

AGENCY: Farm Credit Administration.

ACTION: Notice.

The Governor of the Farm Credit Administration issued Order No. 828 in the event the Governor is absent or unable to perform the duties of his office, certain officers are authorized to perform the necessary functions of the office. The text of the Order is as follows:

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the Office of Governor of the Farm Credit Administration:

(a) Senior Deputy Governor;

(b) Deputy Governor and Chief Examiner;

(c) Deputy Governor, Office of Supervision;

(d) Deputy Governor, Office of Administration;

(e) Chief of Staff of Senior Deputy Governor;

(f) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on October 1, 1980, and supersedes Farm Credit Administration Order No. 808 dated January 27, 1978 (43 FR 4676).

Donald E. Wilkinson,

Governor.

[FR Doc. 80-30621 Filed 10-1-80; 8:45 am]

BILLING CODE 6705-01-M

Performance Review Board; Designated Members

AGENCY: Farm Credit Administration.

ACTION: Notice..

In accordance with the provisions in Title 5, U.S.C. 4314(c)(4), the Farm Credit Administration hereby publishes the names of the executives who are designated as members of the Agency's Performance Review Board. The members of the Board are as follows:

1. Carl T. Frederickson.
2. Lee R. Brobst.
3. Frederick R. Medero.
4. Kenneth J. Auberger.
5. Ted M. Rabun.
6. Albert J. Haslebacher.
7. Larry W. Edwards.
8. David M. Archer.
9. Larry H. Bacon.
10. Paul C. Redmer.

Donald E. Wilkinson,

Governor.

[FR Doc. 80-30620 Filed 10-1-80; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 80-460; File No. BPCT-790507KE; 80-461; File No. BPCT-791026KI]

Coastal Bend Family Television, Inc., and Christian Childrens Network, Inc.; for Construction Permit; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: August 28, 1980.

Released: September 19, 1980.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 38, Corpus Christi, Texas.

Coastal Bend Family Television, Inc.

2. Analysis of the financial data submitted by Coastal Bend Family Television, Inc. (Coastal) reveals that not less than $480,267 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$201,400
Equipment payments with interest	51,357
Additional broadcast equipment	80,000
Land	([1])
Building	([1])
Miscellaneous	52,800
Operating costs (three months)	94,710
Total not less than	480,267

[1] To be leased.

Coastal plans to finance construction and operation with the following

Existing capital	$5,000
Donations and special events	50,000
Program and production time sales	1,447,256
Total	1,502,256

3. Coastal's reliance on $1,447,256 from the sale of program and production time over its proposed station to demonstrate its financial qualifications is misplaced. The present television financial standard requires and applicant to show an ability to construct its proposed station and operate it for three months without broadcast revenue. *New Financial Qualifications Standard for Broadcast Television Applicants,* 72 FCC 2d 784 (1979). Further, it appears from examination of Coastal's balance sheet that the $50,000 in donations applicant relies upon have yet to be donated. Accordingly, a question also arises as to the availability of these funds. A limited financial issue will therefore be specified.

Conclusion and Order

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Coastal Bend Family Television, Inc.:

(a) the source and availability of additional funds over and above the $5,000 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the

Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division.

[FR Doc. 80-30549 Filed 10-1-80; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 80-546, File No. 630-CM-P-79; Docket No. 80-547, File No. 1467-CM-P-79]

Microband Corp. of America and B/CS Home Movies, Inc., for Construction Permits in the Multipoint Distribution Service for a New Station at College Station, Tex.; Designating Application for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: September 2, 1980.

Released: September 25, 1980.

By the Chief, Common Carrier Bureau:

1. The Commission has before it the above application of Microband Corporation of America filed on November 27, 1978 (accepted on Public Notice December 11, 1978) and the application of B/CS Home Movies, Inc. filed on February 8, 1979 (accepted on Public Notice February 26, 1979). Both of the applications are for a construction permit in the Multipoint Distribution Service and both propose to operate on Channel 1 in College Station, Texas. The applications are therefore mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests by the Commission staff for additional information, and no petitions to deny or other objections to either of the applications have been filed.

2. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Microband Corporation of America, B/CS Home Movies, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-30545 Filed 10-1-80; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 80-542, File No. 2407-CM-P-78; 80-543 File No. 3306-CM-P-78]

Tel Radio Communications Properties, Inc., and Microband Corp. of America, for Construction Permits in the Multipoint Distribution Service for a New Station at Madison, Wis.; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: September 2, 1980.

Released: September 24, 1980.

By the Chief, Common Carrier Bureau:

1. The Commission has before it the above application of Tel Radio Communications Properties, Inc. filed on May 19, 1978 and the application of Microband Corporation of America filed on August 10, 1978. Both of the applications are for a construction permit in the Multipoint Distribution Service and both propose to operate on Channel 1 in Madison, Wisconsin. The applications are therefore mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests by the Commission staff for additional information, and no petitions to deny or other objections to either of the applications have been filed.

2. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Tel Radio Communications Properties, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-30544 Filed 10-1-80; 8:45 am]

BILLING CODE 6712-01-M

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[1] Consideration of these factors shall be made in light of the Commission's discussion in *Re Applications of Frank Spain*, et al. 77 FCC 2d 20 (1980).

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Re Applications of Frank Spain*, et al. 77 FCC 2d 20 (1980).

[BC Docket No. 80-471, File No. BPCT-781005KE, et al.]

Adell Broadcasting Corp., et al.; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: Adopted: August 27, 1980.

Released: September 19, 1980.

In re Applications of Adell Broadcasting Corporation, Mt. Clemens, Michigan, BC Docket No. 80-471, File No. BPCT-781005KE; APW Enterprises, Inc., Mt. Clemens, Michigan, BC Docket No. 80-472, File No. BPCT-790130KE; Southeast Michigan Television Corporation, Mt. Clemens, Michigan, BC Docket No. 80-473, File No. BPCT-790130LV; Trinity Television Corporation, Warren, Michigan, BC Docket No. 80-474, File No. BPCT-790130LX; and Macomb Broadcasting Company, Mt. Clemens, Michigan, BC Docket No. 80-475, File No. BPCT-790130LY for a construction permit.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on channel 38, which is presently allocated to Mt. Clemens, Michigan.

Preliminary Matters

2. The applications of APW Enterprises, Inc. (Enterprises), Southeast Michigan Television Corporation (Southeast) and Macomb Broadcasting Company (Macomb) contemplate operating subscription television (STV) over their proposed facilities. While these parties have applications for STV authorizations pending before the Commission, the STV applications will not be consolidated for hearing in this proceeding. STV is essentially an entertainment format indistinguishable from other entertainment packages except that it is supported directly by viewers' subscriptions rather than by advertising revenues. Accordingly, the Commission's reluctance to compare applicants on the basis of entertainment formats, expressed in *George E. Cameron, Jr. Communications*, 71 FCC 2d 460 (1979), provides ample precedent for precluding consideration of STV proposals in otherwise routine hearings on applications for television construction permits.

3. No determination has been made that the antenna structures proposed by the applicants would not constitute hazards to air navigation. Accordingly, an issue will be specified inquiring into these matters.

APW Enterprises, Inc.

4. As originally filed, the application of Enterprises indicated that 50 percent of applicant's stock was held by Mr. Francis C. Woolard and Mr. Robert S. MacClure. The deaths of these individuals were reported to the Commission March 30, 1979, and January 15, 1980, respectively. Mr. Woolard's stock is now in the hands of his sons, John F. and Robert C. Woolard, who have assumed their father's commitment to provide funds to the applicant. Mr. MacClure's stock is presently controlled by the executor of his estate, the Northern Trust Company.

5. Applicant estimates that it will require $2,116,350 to construct its proposed station and an additional $77,375 to operate it for three months. To meet these costs, Enterprises relies upon its corporate assets and funds to be supplied by its shareholders, John Podesta, John Altorfer, John Woolard, Robert Woolard and the estate of Robert S. MacClure. Enterprises' application does not contain financial statements from John Woolard, Robert Woolard or the estate of Robert S. MacClure as required by Question 4(b), Section III of FCC Form 301. Further, the balance sheets applicant has provided to demonstrate the availability of funds from Mr. Podesta and Mr. Altorfer do not comply with the standards for financial statements set out in Question 4(b), Section III, FCC Form 301. An appropriate issue exploring the availability of these funds will be specified.

Southeast Michigan Television Corp.

6. Southeast proposes to locate its transmitting antenna atop a tower to be constructed in the vicinity of the transmitting facilities of AM Station WBRB, Mt. Clemens, Michigan, which operates with a directional array. To insure that Station WBRB's radiation pattern is not adversely affected by construction of Southeast's proposed station, any construction permit awarded Southeast will contain an appropriate condition.

Macomb Broadcasting Co.

7. Analysis of the financial data submitted by Macomb reveals that $1,317,987 will be required to construct the proposed station and operate it for three months, itemized as follows:

Equipment downpayment	$532,750
Equipment payments with interest (3 months)	139,846
Land [1]	
Building	225,000
Miscellaneous	165,000
Interest on bank loan (3 months)	63,750
Operating cost (3 months)	191,641
Total	1,317,987

[1] To be leased.

Macomb plans to finance construction and operation with $35,000 from the sale of stock and $1,700,000 in the form of a loan from the Michigan National Bank. The letter submitted to demonstrate the availability of the $1,700,000 loan does not comply with the requirements of Question 4(e), Section III, FCC Form 301. An appropriate issue will be specified exploring the availability of these funds.

Section 307(b) Issue

8. The respective proposals involved in this proceeding are for different communities. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service. However, since these proposals do serve substantial areas in common, in addition to the 307(b) issue, a contingent comparative issue will also be specified.

Conclusion and Order

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower heights and locations proposed by Adell Broadcasting Corporation, APW Enterprises, Inc., Southeast Michigan Television Corporation, Trinity Television Corporation and Macomb Broadcasting Company, would constitute hazards to air navigation.

2. To determine, with respect to APW Enterprises, Inc.:

(a) The sources and availability of funds to construct its proposed broadcast station; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine, with respect to Macomb Broadcasting Company:

(a) The source and availability of additional funds over and above the $35,000 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as

amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event that it is concluded that a choice among the applicants should not be based on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

12. It is further ordered, That any construction permit awarded Southeast Michigan Television Corporation in this proceeding contain the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station WBRB so that, if necessary, the AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Both prior to construction of the TV tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, before TV program tests are authorized, the results submitted to the Commission and to the AM station.

13. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 80-30548 Filed 10-1-80; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 80-456, File No. BPCT-780901KF; 80-457 File No. BPCT-790130KG]

American International Communications Corp. and Albany TV 23, Inc., for Construction Permit for New Television Station; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: August 27, 1980
Released: September 19, 1980.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications, filed by American International Communications Corporation, (American) and Albany TV 23, Inc. (Albany) for a construction permit for a new commercial television station to operate on Channel 23, Albany, New York.

American International Communications Corp.

2. There are prsently pending several legal proceedings aginst American International Pictures (AIP),[1] the parent company of the applicant. These proceedings generally charge violations of federal or state antitrust laws alleging that AIP has conspired with other distributors and exhibitors in a competitive area to accord preferential treatment in the licensing and exhibition of motion pictures. Therefore, since the outcome of these proceedings relates directly to applicant's qualifications to be a Commission licensee, in the event of a grant of American's application, the construction permit shall contain the condition that grant is subject to whatever action the Commission may deem appropriate as a results of the outcome of the pending antitrust poroceedings filed against AIP.[2]

3. No determination has been reached that the tower structure proposed by American would not constitute a possible hazard to air navigation. If during the hearing, the FAA advises that this proposal constitutes an air hazard, the Administrative Law Judge is authorized to specify an air hazard issue with respect to American. In the unlikely event that the FAA study is not completed by the end of the hearing process, and should it be determined that American's application would better serve the public interest, the construction permit shall be conditioned to required FAA approval prior to construction.

Albany TV 23, Inc.

4. The application of Albany proposes operation of a UHF television station from a transmitter located within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) exceeding 1,000 Kilowatts but not greater than 5,000 Kilowatts. While this proposal poses no interference threat to United States television stations, it contravenes an agreement between the United States and Canada which limits the maximum visual ERP of U.S. television stations located within 250 miles of Canada to 1,000 Kilowatts. *Agreement Effectuated by Exchange of Notes,* T.I.A.S. 2594 (1952). Since the Commission lacks authority to waive international agreements, any construction permit granted Albany in this proceeding will be conditioned to preclude station operation with maximum visual ERP in excess of 1,000 Kilowatts absent Canadian consent. *South Bend Tribune,* 8 RR 2d 416 (1966).

5. The Commission finds American International Communications Corporation, and Albany TV 23, Inc. legally, financially, technically and otherwise qualified. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that grant of the applications will serve the public interest, convenience and necessity. The applications must therefore be designated for hearing on the issues set out below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934 as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine, on a comparative basis, which of the applications would better serve the public interest.

(2) To determine, in light of the evidence adduced pursuant to the

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[1] American International Pictures, Inc. (AIP) has merged with Filmways, Inc. to become Filmsure Corporation. Subsequently, the name of Filmsure was changed to American International Pictures, Inc., II (AIPII).

[2] *See Violations by Applicants of Laws of U.S.,* 42 FCC 2d 399 (1951).

foregoing issues, which of the applications should be granted.

7. It is further ordered, That, in the event of a grant of American's application, the construction permit shall contain a condition that grant is subject to whatever action the Commission may deem appropriate as a result of the outcome of pending antitrust proceedings filed against AIP.

8. It is further ordered, That in the event of grant of the application of Albany, the construction permit shall contain the following condition:

Operation with maximum visual effective radiated power in excess of 30.0 dBk (1000 KW) is subject to consent by Canada.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within twenty (20) days of the mailing of this Order, shall file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division.

[FR Doc. 80-30547 Filed 10-1-80; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 80-465, File No. BPCT-781206KE, et al.]

American Television & Communications Corp., et al.; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: August 28, 1980.

Released: September 22, 1980.

In re Applications of American Television and Communications Corporation, Denver, Colorado, BC Docket No. 80-465 File No. BPCT-781206KE; Colorado Television, Inc., Denver, Colorado, BC Docket No. 80-466 File No. BPCT-790305LD; Oak Television of Denver, Inc., Denver, Colorado, BC Docket No. 80-467 File No. BPCT-790319LC; and Alden Communications of Colorado, Inc., Denver, Colorado, BC Docket No. 80-468 File No. BPCT-790319LE for a construction permit.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before itthe above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 20, Denver, Colorado.

Preliminary Matters

2. The applications of American Television and Communications Corporation (ATC), Colorado Television, Inc. (CTI) and Oak Television of Denver, Inc. contemplate operating subscription television (STV) over their proposed facilities. These parties have applications for STV authorizations pending before the Commission. The STV applications will not be consolidated for hearing in this proceeding, however. STV is essentially an entertainment format indistinguishable from other entertainment packages except that it is supported directly by viewers' subscriptions rather than by advertising revenues. Accordingly, the Commission's reluctance to compare applicants on the basis of entertainment formats expressed in *George E. Cameron, Jr. Communications*, 71 FCC 2d 460 (1979), provides ample precedent for precluding consideration of STV proposals in otherwise routine hearings on applications for television construction permits.

3. The technical proposal of each applicant to this proceeding requires the use of a highly directional transmitting antenna in order to protect the Table Mountain Radio Receiving Zone in Boulder County, Colorado. Each proposal requires waiver of the maximum-to-minimum horizontal radiation ratio value specified in Section 73.685(e) of the Rules, 47 C.F.R. 73.685(e). The necessity of protecting Table Mountain justifies waiver of this rule provision in this case.

American Television Communications Corp.

4. Analysis of the financial data submitted by ATC reveals that $2,251,719 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$319,276
Equipment payments with interest	76,626
Land	52,100
Building	180,000
Miscellaneous (excluding STV)	145,568
Payments on bank loans (3 months)	900,000
Operating costs (3 months)	578,149
Total	2,251,719

To meet these costs, ATC relies upon a $9,000,000 line of credit from the Morgan Guaranty Trust Company. Examination of ATC's balance sheet, however, reveals that applicant's current liabilities exceed its current assets by $6,858,657. When this deficit is taken into consideration, it appears that applicant has $2,141,343 available to meet construction and operation costs of $2,251,719. An appropriate issue will be specified exploring ATC's financial qualifications.

Colorado Television, Inc.

5. Colorado Television, Inc.'s (CTI) financial showing indicates that an estimated $491,669 will be required to construct CTI's proposed station and operate it for three months. This breaks down as follows:

Equipment down payment	$149,860
Equipment payment with interest (3 months)	39,552
Land [1]	
Building	25,000
Miscellaneous	81,000
Payments on bank loans (3 months)	28,437
Operating costs (3 months)	122,850
Total	491,699

[1] To be leased.

To meet these costs, CTI relies upon the following funds totalling $1,222,643:

Existing capital	$72,643
Omaha National Bank loan	200,000
American National Bank loan	700,000
John H. Gayer loan	100,000
STV income (3 months)	150,000

6. The letter submitted to document the availability of the Omaha National Bank loan indicates that the bank's commitment expired December 31, 1979. Further, the availability of the American National Bank loan has not been documented in the manner required by question 4(e), Section III of FCC Form 301. Specifically, the American National Bank letter does not contain information on the terms of repayment, the interest to be charged or the collateral required by the bank. The financial statement of John H. Gayer submitted to demonstrate his ability to loan CTI $100,000 does not comply with the requirements of Question 4(b), Section III of FCC Form 301, in that it does not segregate receivables and payables to show the amounts due within one year and those due after one year. Accordingly, the Commission is unable to determine that Mr. Gayer has sufficient net liquid assets to meet his loan commitment. Finally, CTI's reliance upon $150,000 in STV revenues is misplaced. The current

television financial standard requires applicants to demonstrate an ability to construct a station and operate it for three months without broadcast revenues. *New Financial Qualifications Standard for Broadcast Television Applicants*, 72 FCC 2d 784 (1979). An appropriate issue will be designated exploring CTI's financial qualifications.

Alden Communications of Colorado, Inc.

7. The maximum visual effective radiated power (ERP) specified in Alden Communications of Colorado, Inc.'s (Alden) technical proposal exceeds the ERP limit permissible at the antenna height above average terrain proposed by Alden. Accordingly, any construction permit granted Alden in this proceeding will be conditioned to require applicant to operate within the limitations placed upon ERP by Section 73.614 of the Rules.

Conclusion and Order

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to American Television and Communications Corporation:

(a) The source and availability of additional funds over and above the $2,141,343 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Colorado Television, Inc.:

(a) the source and availability of additional funds over and above the $72,643 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That, with respect to the technical proposals of the applicants to this proceeding, the maximum-to-minimum horizontal radiation ratio value specified in Section 73.685(e) of the Rules IS WAIVED.

11. It is further ordered, That any construction permit awarded Alden Communications of Colorado, Inc., in this proceeding contain the following condition:

Maximum visual effective radiated power shall not exceed 35.25 dBk.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division.

[FR Doc. 80-30546 Filed 10-1-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3082-EM]

Maine; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Maine (FEMA-3082-EM) dated September 20, 1980, and related determinations.

DATE: September 20, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7848.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 20, 1980, the President declared an emergency as follows:

I have determined that the impact in certain areas of the State of Maine resulting from toxic paralytic shellfish poisoning, beginning on or about July 30, 1980, is of sufficient severity and magnitude to warrant an emergency declaration under Public Law 93-288. I therefore declare that such an emergency exists in the State of Maine.

The purpose of this declaration is to provide Disaster Unemployment Assistance under Section 407 of Pub. L. 93-288 to those individuals impacted as a result of this shellfish poisoning. The effective date of eligibility will be determined from the beginning of the incident period, July 30, 1980.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Stephen J. McGrail of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of Maine to have been adversely affected by this declared emergency.

The Counties of Cumberland, Hancock, Knox, Lincoln, Sagadahoc, Waldo, Washington and York for assistance as authorized by the President's declaration. Such assistance will be provided in accordance with Section 407 of Pub. L. 93-288.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance)

September 26, 1980.

Thomas R. Casey,

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

[FR Doc. 80-35589 Filed 10-1-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

[Docket No. 79-2; Agreement No. 10293]

Amended Order of Investigation and Hearing

On January 4, 1979, the Commission ordered an investigation and hearing in the above docketed proceeding to determine whether Agreement No. 10293 should be approved, disapproved, or modified under the provisions of section 15, Shipping Act, 1916. Agreement No. 10293 would provide for the establishment of a space chartering agreement for the transportation of bulk

liquid cargo in the trade between United States Gulf ports and Atlantic coast ports of Colombia, whereby Andino Chemical Shipping Co., Inc. ("Andino") would provide Flota Mercante grancolombiana, S.A. ("Flota") with the necessary space on vessels owned or operated by Andino.

Subsequent to the institution of Docket No. 79–2, an agreement not filed with the Commission pursuant to section 15 was produced by Flota during the discovery phase of the proceeding. This agreement (with addenda) was identified as "Private Agreement Between Flota Mercante Grancolombiana, S.A. and Andino Chemical Shipping Co., Inc." dated December 22, 1976 and incorporating and implementing a prior agreement of February 16, 1973. On May 20, 1980, this "Private Agreement" was filed with the Commission for approval pursuant to section 15, Shipping Act, 1916 and assigned Federal Maritime Commission Agreement No. 10293 Sub. 1. Agreement No. 10293 Sub. 1 covers the same subject matter as Agreement No. 10293, that is, the charter of space by Andino to Flota for the carriage of bulk liquid cargo in the trade between Colombian Atlantic ports and United States Gulf ports; however, Agreement No. 10293 Sub. 1 also covers various matters governing the operation of the charter arrangement which are not contained in Agreement No. 10293.

Notice of the filing of Agreement No. 10293 Sub. 1 appeared in the **Federal Register** on July 15, 1980. The parties have requested that certain articles and addenda providing for commissions paid between the parties and the space charter hire receive confidential treatment by the Commission and this request for confidentiality was set forth in the **Federal Register** notice. No comments or statements were received pursuant to such publication.

According to the initial paragraph of Agreement No. 10293 Sub. 1, the "representatives of both companies met together and agreed on signing this private agreement to implement the public agreement signed on the same date." It appears that Agreement No. 10293 is the above-referenced "public agreement" and that Agreement No. 10293 Sub. 1 appears to be related directly to the terms of Agreement No. 10293 and appears to contain the complete terms for implementing the provisions of Agreement No. 10293, currently the subject of this proceeding.

By the February 1, 1980 order of the Presiding Administrative Law Judge in Docket No. 79–2, the Order of Investigation and Hearing was amended to include, *inter alia*, the issue of whether the "Private Agreement" represents the true agreement of the parties and whether Agreement No. 10293 represents the complete agreement. Since the Presiding Administrative Law Judge has found already that the "Private Agreement" is relevant to this proceeding, it appears that resolution of the approvability of Agreement No. 10293 Sub. 1 can be best made in the existing docketed proceeding.

Therefore, in order to determine the approvability of both Agreement No. 10293 and 10293 Sub. 1 under the standards of section 15, Shipping, 1916, it is necessary to amend the Order of Investigation and Hearing in Docket No. 79–2 to include the issue of whether Agreement No. 10293 Sub. 1 shall be approved, disapproved, or modified pursuant to section 15, Shipping Act, 1916.

Therefore, it is ordered, that the first ordering paragraph of the Order of Investigation and Hearing of Agreement No. 10293, Docket No. 79–2, dated January 4, 1979 be amended to read:

Now, therefore, it is ordered, that pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, this proceeding is hereby instituted to determine whether Agreement No. 10293 and Agreement No. 10293 Sub. 1 shall be approved, disapproved, or modified under the provisions of section 15.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80–30614 Filed 10–1–80; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 79–3; Agreement No. 10295]

Amended Order of Investigation and Hearing

On January 4, 1979, the Commission ordered an investigation and hearing in the above docketed proceeding to determine whether Agreement No. 10295 should be approved, disapproved, or modified under the provisions of section 15, Shipping Act, 1916. Agreement No 10295 would provide for the establishment of a space chartering agreement for the transportation of bulk liquid cargo in the trade between United States Gulf ports and Pacific coast ports of Colombia, whereby Maritima Transligra, S.A. ("Transligra") would provide Flota Mercante Grancolombiana, S.A. ("Flota") with the necessary space on vessels owned or operated by Transligra.

Subsequent to the institution of Docket No. 79–3, an agreement not filed with the Commission pursuant to section 15 was produced by Flota during the discovery phase of the proceeding. This agreement (with an addendum) was identified as "Private Agreement Between Flota Mercante Grancolombiana, S.A. and Maritima Transligra, S.A. of Guayaquil, Equador" dated December 22, 1976. On May 20, 1980, this "Private Agreement" was filed with the Commission for approval pursuant to section 15, Shipping Act, 1916 and assigned Federal Maritime Commission Agreement No. 10295 Sub 1. Agreement No. 10295 Sub 1 covers the same subject matter as Agreement No. 10295, that is, the charter of space by Transligra to Flota for the carriage of bulk liquid cargo in the trade between Colombian Pacific ports and United States Gulf ports; however, Agreement No. 10295 Sub. 1 also covers various matters governing the operation of the charter arrangement which are not contained in Agreement No. 10295.

Notice of the filing of Agreement No. 10295 Sub 1 appeared in the **Federal Register** on July 15, 1980. The parties have requested that certain articles providing for commissions paid between the parties and the space charter hire receive confidential treatment by the Commission and this request for confidentiality was set forth in the **Federal Register** notice. No comments or statements were received pursuant to such publication.

According to the initial paragraph of Agreement No. 10295 Sub 1, the "representatives of both companies met together and agreed on signing this private agreement to implement the public agreement signed on the same date." It appears that Agreement No. 10295 is the above-referenced "public agreement" and that Agreement No. 10295 Sub 1 appears to be related directly to the terms of Agreement No. 10295 and appears to contain the complete terms for implementing the provisions of Agreement No. 10295, currently the subject of this proceeding.

By the February 1, 1980 order of the Presiding Administrative Law Judge in Docket No. 79–3, the Order of Investigation and Hearing was amended to include, *inter alia*, the issue of whether the "Private Agreement" represents the true agreement of the parties and whether Agreement No. 10295 represents the complete agreement. Since the Presiding Administrative Law Judge has found already that the "Private Agreement" is relevant to this proceeding, it appears that resolution of the approvability of Agreement No. 10295 Sub 1 can be best made in the existing docketed proceeding.

Therefore, in order to determine the approvability of both Agreement No.

10295 and 10295 Sub 1 under the standards of section 15, Shipping, 1916, it is necessary to amend the Order of Investigation and Hearing in Docket No. 79-3 to include the issue of whether Agreement No. 10295 Sub 1 shall be approved, disapproved, or modified pursuant to section 15, Shipping Act, 1916.

Therefore, it is ordered, that the first ordering paragraph of the Order of Investigation and Hearing of Agreement No. 10295, Docket No. 79-3, dated January 4, 1979 be amended to read:

Now, therefore, it is ordered, that pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, this proceeding is hereby instituted to determine whether Agreement No. 10295 and Agreement No. 10295 Sub 1 shall be approved, disapproved, or modified under the provisions of section 15.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80-30615 Filed 10-1-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80-66]

Sovereign International Corp.—Possible Violations of Section 16, Initial Paragraph, Shipping Act 1916; Order of Investigation and Hearing

Based on information developed by the Commission's Bureau of Enforcement, it appears that Sovereign International Corp. (Sovereign) may have obtained or attempted to obtain, by unjust or unfair device or means, transportation by water for property at less than the rates or charges which would otherwise be applicable.

The Commission's General Counsel asserted a claim for a civil penalty against Sovereign International Corp. for receiving rebates from a common carrier by water in connection with the shipment of synthetic resin from New York to Iran for the period beginning on March 7, 1975, and continuing through December 19, 1975. Sovereign has rejected the claim. Accordingly, the Commission believes an investigation and hearing is necessary in order to determine whether Sovereign International Corp. has violated section 16, initial paragraph, Shipping Act, 1916, and, if so, whether penalties should be assessed for such violations.

Now, therefore, it is ordered, That pursuant to section 16, initial and penultimate paragraphs (46 U.S.C. § 815, initial and penultimate paragraphs), and section 22, (46 U.S.C. § 821), of the Shipping act, 1916, this proceeding is hereby instituted to determine: (1) Whether or not Respondent violated section 16, initial paragraph, by obtaining or attempting to obtain, by unjust or unfair device or means, would otherwise be applicable; and (2) Whether penalties should be assessed against Respondent if found to have violated section 16, initial paragraph, and, if so, the amount of such penalties.

It is further ordered, that Sovereign International Corp., 104-70 Queens Boulevard, Forest Hills, N.Y. 13375, is hereby made Respondent in this proceeding.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, shall commence within the time limits specified in Rule 61 (46 CFR 502.61) of the Commission's Rules of Practice and Procedure. The hearing shall include oral testimony and cross-examination in the descretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue are such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, that in accordance with Rule 42 of the Commission's Rules and Practices and Procedures (46 CFR 502.42), the Commission's Bureau of Hearing Counsel shall be a party to this proceeding; and

It is further ordered, that notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80-30616 Filed 10-1-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Affiliated Captial Corp.; Formation of Bank Holding Company

Affiliated Capital Corporation, Atoka, 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 Bank in Atoka, Atoka, 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. Section 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 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 26, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30653 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

American Bank Corp.; Acquisition of Bank; Correction

This notice corrects a previous **Federal Register** document (FR Doc. 80-29231) appearing at page 63138 of the issue for Tuesday, September 23, 1980.

The American Bank Corporation, Denver, Colorado, 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 95 per cent of the voting shares of American Bank of Casper, Casper, Wyoming. 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 16, 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 26, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30645 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

Consolidado International Bank; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve act ("Edge Corporation"), to be known as Consolidado International Bank, New York, New York. Consolidado International Bank would be jointly owned by Banco Consolidado, C. A., Caracas, Venezuela, and First National Bank of Greater Miami, Miami, Florida. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 25, 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, identify specifically any questions of fact that are in dispute and summarize 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. 80-30649 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

First Maryland International Banking Corp.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act; Establishment of U.S. Branch of a Corporation To Be Organized Under Section 25(a)

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve act ("Edge Corporation"), to be known as First Maryland International Banking Corporation, Baltimore, Maryland. First Maryland International Banking Corporation would operate as a subsidiary of First National Bank of Maryland, Baltimore, Maryland. The proposed corporation has also applied for the Board's approval under § 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1)), to establish a branch in York, Pennsylvania. The factors that are to be considered in acting on these applications are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no 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, identify specifically any questions of fact that are in dispute and summarize 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. 80-30651 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

First Southeast Missouri Bancorpoation, Inc.; Formation of Bank Holding Company

The First Southeast Missouri Bancorporation, Inc., Scott City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 per cent or more of the voting shares of Scott City Bank and Trust Company, Scott, City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than 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 26, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30650 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

Jerema, Inc.; Proposed Retention of First National Agency

Jerema, Inc., Cannon Falls, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain First National Agency, Cannon Falls, Minnesota.

Applicant states that the proposed subsidiary engages in the activities of operating a general insurance agency in a town with a population not exceeding 5,000 persons. These activities would be performed from offices of Applicant's subsidiary in Cannon Falls, Minnesota, and the geographic areas to be served are the townships of Cannon Falls, Randolph, Stanton, Warsaw, Leon, Vasa, Belle Creek and Welch in Goodhue County, and Douglas, Hampton, Marshan and Randolph in Dakota County, Minnesota. 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 Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 27, 1980.

Board of Governors of the Federal Reserve System, September 25, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30654 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

Landmark Bancshares Corp.; Acquisition of Bank

Landmark Bancshares Corporation, Clayton, Missouri, 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 of the voting shares (less directors' qualifying shares) of Landmark Bank of Sunset Hills, N.A., Sunset Hills, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than 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 26, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30648 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-84-M

Manufacturers Hanover Corp. and Southern Bancorporation of Alabama; 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 section 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 activity 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 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:

Manufacturers Hanover Corporation, New York, New York (mortgage banking insurance, and servicing activities; Michigan): to engage through its subsidiary Manufacturers Hanover Mortgage Corporation in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made or acquired by a mortgage company; servicing any such loans and other extensions of credit for any persons; acting as agent or broker, through an indirect subsidiary known as CMC Insurance Agency, Inc., for the sale of credit life insurance and credit accident and health insurance relating to such loans and other extensions of credit. These activities would be conducted from an office in Lansing, Michigan and will serve the Lansing SMSA consisting of the cities of Lansing and East Lansing and the counties of Clinton, Eaton, Ingham and Ionia, Michigan.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Southern Bancorporation of Alabama, Birmingham, Alabama (data processing activities; Alabama): to engage, through its subsidiary, Southern Data Services, Inc., in providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial, or other related economic data, such as performing payroll, accounts receivable or payable or billing services for others. These activities would be conducted from an office in Montgomery, Alabama serving central and southern Alabama.

C. *Other Fedeal Reserve Banks:*

Board of Governors of the Federal Reserve System, September 25, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30655 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

New England Merchants Bank International; Relocation of Principal Office of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

New England Merchants Bank International, Boston, Massachusetts, a corporation organized under section 25(a) of the Federal Reserve Act, has requested the Board's consent to relocate its principal office to Miami, Florida. New England Merchants Bank International operates as a subsidiary of New England Merchants National Bank, Boston, Massachusetts.

The factors that are to be considered in acting on the application to relocate the principal office are set forth in § 211.4(a) of the Board's Regulation K (12 FR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no 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, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 26, 1980.

Cathy's L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30646 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

Pikeville National Corp.; Formation of Bank Holding Company

Pikeville National Corporation, Pikeville, Kentucky, 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 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Pikeville National Bank and Trust Company, Pikeville, Kentucky. 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 Cleveland. 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 26, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30652 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

United Banks of Wisconsin, Inc.; Acquisition of Bank

United Banks of Wisconsin, Inc., Madison, Wisconsin, 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 80 per cent or more of the voting shares of Farmers and Citizens Bank of Sauk City, Sauk City, Wisconsin. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 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 26, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-30647 Filed 10-1-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Commercial Union Assurance Co., Ltd.; Early Termination of the Waiting Period of the Premerger Notification Rules.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Commercial Union Assurance Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of the assets of Seibels Bruce & Co. from Seibels Bruce Group Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1980.

FOR FURTHER INFORMATION CONTACT: Naomi Licker, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-30753 Filed 10-1-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on September 26, 1980. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such acceptance.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before October 20, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests an extension-without-change clearance of the application, recordkeeping and reporting requirements contained in 10 CFR 20, Standards for Protection Against Radiation; specifically, sections 20.102(a), 20.103, 20.203(c)(6)(vii), 20.205, 20.302, 20.401, 20.402 (a) and (b), 20.403 (a) and (b), 20.405, 20.407, 20.408, and 20.409. The requirements of 10 CFR 20 will allow the NRC's Office of Inspection and Enforcement to monitor the instances in nuclear power plants of possible overexposure to workers. The NRC estimates that respondents will number approximately 9,000 and that application, recordkeeping and reporting time averages 11 minutes for 20.102(a), 30 minutes for 20.103, 16 hours for reporting and 2 hours for recordkeeping for 20.203(c)(6)(vii), 1 hour for 20.205, 24 hours for 20.302, several hours to months for 20.401; 3 hours for 20.402 (a) and (b), 1 hour for 20.403 (a) and (b); 6 hours for 20.405, 3 minutes for 20.407, 5 minutes for 20.408, and 13 hours for 20.409.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-30541 Filed 10-1-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Meeting of the Cellular and Molecular Basis of Disease Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease

Review Committee, National Institute of General Medical Sciences, on November 18, 1980 at the National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Maryland.

This meeting will be open to the public on November 18, 1980 from 8:30 a.m. until 9:30 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately seven hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on November 18, from approximately 9:30 a.m. until adjournment. These applications and discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Wanda Warddell, Acting Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland 20205 (Telephone: 301/496–7301) will provide a summary of the meeting and a roster of committee members.

Dr. Carl D. Rhodes, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 950, Westwood Building, Bethesda, Maryland 20205 (Telephone: 301/496–7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–863, Cellular and Molecular Basis of Disease Research)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: September 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–30538 Filed 10–1–80; 8:45 am]

BILLING CODE 4110–08–M

Diet, Nutrition, and Cancer; Meeting

Notice is hereby given that the National Academy of Sciences, at the request of the National Cancer Institute, will hold a Diet, Nutrition, and Cancer public meeting on November 6, 1980, from 10:00 a.m.–3:00 p.m., at the National Academy of Sciences, 2101 Constitution Avernue, NW., Washington, D.C. Topic of the meeting is to hear comments on the National Research Council's study of what is known about various dietary constituents and their possible links to cancer cause or prevention. The entire meeting will be open to the public.

The committee on Diet, Nutrition, and Cancer will assess the state of knowledge on the subject and develop a series of recommendations for future research. The committee has been asked to examine individual components of the diet—nutrients, food additives, and contaminants—as well as dietary patterns for possible roles in causing or preventing cancer. It will also attempt to assess the effects of changes that may occur during the processing preparation, storage, and consumption of foods. Evidence will be sought from a variety of sources, including epidemiological studies, laboratory animal experiments, and *in vitro* tests of the potential mutagenicity of food substances.

Requests for information should be directed to Susan Barron, National Academy of Sciences, Washington, D.C., 389–6906. Those who wish to submit material to the committee should sent it to Dr. Sushma Palmer, Room 353, National Academy of Sciences, 2102 Constitution Avenue, NW., Washington, D.C. 20418, no later than October 10, 1980.

Dated: September 26, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–30529 Filed 10–1–80, 8:45 am]

BILLING CODE 4110–08–M

Meeting of the Maternal and Child Health Research Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on November 18–19, 1980, in Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 18 from 1:30 p.m. to 3:00 p.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Scientific Review and the Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 18, from 3:00 p.m. to adjournment on November 19 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Majorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr, Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catolog of Federal Domestic Assistance — Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: September 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–30534 Filed 10–1–80; 8:45 am]

Billing Code 4110–08–M

Meeting of the Mental Retardation Research Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on November 19–20, 1980, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 19 from 9:00 a.m. to 11:00 a.m. to discuss items relative to the Committee's activities including announcements by the Director, National Institute of Child Health and Human Development, and the Executive Secretary, Mental Retardation Research Committee.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 19 from 11:00 a.m. to adjournment on November 20 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, 7C–09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 7C–09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) of that Circular.

Dated: September 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–30535 Filed 10–1–80; 8:45 am]

BILLING CODE 4110–08–M

Amended Meetings; Molecular Biology Study Section and Physiology Study Section

Notice is hereby given of a change in the meeting dates or location of the following National Institutes of Health Study Sections which were published in the **Federal Register** on September 8, 1980 (45 FR 59205).

The Molecular Biology Study Section was to have met at the Marriott Hotel, Bethesda, MD, but will meet at the United Inn of America, Bethesda, MD, October 23–25, 1980 at 8:30 a.m., the same dates and time for which it was originally scheduled.

The Physiology Study Section was to have met October 22–25, 1980, but will meet October 23–25, 1980 at 9:00 a.m. in Conference Room 9, Building 31C, Bethesda, MD, the same time and location for which it was originally scheduled.

The meetings will be open to the public for approximately one hour at the beginning of the first seesion of the first day of the meeting.

Dated: September 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FRC Doc. 80–30532 Filed 10–1–80; 8:45 am]

BILLING CODE 4110–08–M

Renewal of NCI Public Advisory Committees

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776, October 6, 1972), the Director, National Institutes of Health, announces the renewal by the Director, NCI, of the following committees:

Cancer Control Intervention Programs Review Committee
Cancer Control Merit Review Committee
Cancer Research Manpower Review Committee
Cause and Prevention Scientific Review Committee
Clinical Cancer Education Committee
Clinical Trials Committee

In addition, the Board of Scientific Counselors, Division of Cancer Biology and Diagnosis, has been amended and renewed.

Authority for the above committees will expire September 15, 1982, unless renewed by appropriate action as authorized by law.

Dated: September 24, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80–30533 Filed 10–1–80; 8:45 am]

BILLING CODE 4110–08–M

Meeting of the Pharmacological Sciences Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Pharmacological Sciences Review Committee, National Institute of General Medical Sciences, National Institutes of Health, November 20–21, 1980, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on November 20 from 8:45 a.m. to 10:00 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately 12 hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on November 20, from approximately 10:00 a.m. to 5:00 p.m. and on November 21, from 9:00 a.m. to adjournment. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Wanda Warddell, Acting Public Information Officer, NIGMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205, Telephone: 301, 496–7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Martha Panitch, Executive Secretary, Pharmacological Sciences Review Committee, Westwood Building, Room 950, Bethesda, Maryland, Telephone: 301, 496–7125.

(Catalog of Federal Domestic Assistant Program 13–859, Pharmacology-Toxicology Research, National Institute of General Medical Sciences, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: September 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–30537 Filed 10–1–80; 8:45 am]

BILLING CODE 4110–08–M

Meeting President's Cancer Panel

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the President's Cancer Panel, November 12, 1980, Building 31A, Room 11A10, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 10:00 a.m. to adjournment. Agenda items will include reports by the Director, National Cancer Institute, and the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available.

The Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Richard A. Tjalma, Executive Secretary, National Cancer Institute, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland

20205 (301/496–5854) will furnish substantive program information.

Dated: September 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-30530 Filed 10-1-80; 8:45 am]

BILLING CODE 4110-08-M

Meeting; President's Cancer Panel

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the President's Cancer Panel, December 9, 1980, Building 31C, Conference Room 9, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 10:00 a.m. to adjournment. Agenda items will include reports by the Director, National Cancer Institute, and the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available.

The Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Richard A. Tjalma, Executive Secretary, National Cancer Institute, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5854) will furnish substantive program information.

Dated: September 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-30531 Filed 10-1-80; 8:45 am]

BILLING CODE 4110-08-M

Meeting of Research Manpower Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, on October 27 through October 31, 1980, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.

This meeting will be open to the public on October 27, 1980, and October 29, 1980, from 8:00 p.m. to approximately 10:00 p.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung and Blood Institute.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:00 a.m. until adjournment on October 28, 30, and 31, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 4A21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: September 25, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-30536 Filed 10-1-80; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Health Services Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HS (Health Services Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (39 FR 10462, March 20, 1974, as amended in pertinent part at 43 FR 37764, August 24, 1978) is amended to reflect the establishment of the consumer affairs activities function within the Immediate Office of the Administrator, Health Services Administration.

Section HS–B, *Organization and Functions* is amended as follows:

Under the *Health Services Administration (HS)*, delete the functional statement for the *Immediate Office of the Administrator (HSA1)* in its entirety and substitute the following: (1) Manages and directs the activities of the Health Services Administration; (2) provides leadership for the execution of Administration responsibilities related to the conduct and improvement of health services for the people of all socioeconomic levels in the United States; (3) provides advice and support to the Assistant Secretary for Health in coordinating health services facilities and in the formulation of national health policy; (4) coordinates the overall direction of the international health activities of HSA; and (5) coordinates the consumer affairs activities for HSA.

Dated: September 17, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-30491 Filed 10-1-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-80-1029]

Community Development Block Grant Program

AGENCY: Department of Housing and Urban Development, Assistant Secretary for Community Planning and Development.

ACTION: Notice.

SUMMARY: HUD is issuing a Notice of the dates for submission of preapplications to HUD Area Offices for the Small Cities Program under the Community Development Block Grant Program for Fiscal Year 1981.

FOR FURTHER INFORMATION CONTACT: Helen Duncan, Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755–6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that in accordance with 24 CFR 570.420(h)(2) the Department of Housing and Urban Development (HUD) has established dates for submission of preapplications for Small Cities Program Grants to be accepted by HUD for Fiscal Year 1981.

Because of unique conditions in the Commonwealth of Puerto Rico, the

application process for Puerto Rico is under revision. The application date for Puerto Rico communities will be announced at a later time.

For Fiscal Year 1981 HUD is implementing a demonstration that provides for a substantial State role in the Small Cities selection process and has selected two States for this demonstration, Kentucky, and Wisconsin. Preapplication dates for these States will be announced later.

For all other applicants, from both metropolitan and nonmetropolitan areas, the earliest and latest date for submission are dates established below for each State. Preapplications for funding under the Single Purpose and Comprehensive Grant provisions of the Small Cities Program will be accepted only during the designated time period. Preapplications received in the Area Office after the deadline must be postmarked no later than the applicable deadline submission date. Any preapplications postmarked after that date are unacceptable and will be returned.

Applicants are hereby advised to submit their preapplications for Single Purpose Grants pursuant to 24 CFR 570.429, or their preapplications for Comprehensive Grants pursuant to 24 CFR 570.425, to the appropriate HUD Area Office serving the applicant's jurisdiction.

Final Date for Submission

Region/State	No earlier than	No later than
I		
Massachusetts, Maine, New Hampshire, Rhode Island, Vermont	Sept. 22, 1980	Oct. 6, 1980.
Connecticut	Dec. 22, 1980	Jan. 5, 1981.
II		
New Jersey	Nov. 17, 1980	Dec. 1, 1980.
New York	Nov. 17, 1980	Dec. 1, 1980.
III		
Delaware, Pennsylvania, (Philadelphia Area Office jurisdiction) [1]	Jan. 12, 1981	Jan. 26, 1981.
West Virginia, Pennsylvania (Pittsburgh Area Office jurisdiction) [1]	Oct. 6, 1980	Oct. 20, 1980.
Maryland, Virginia	Dec. 1, 1980	Dec. 15, 1980.
IV		
Alabama	Nov. 10, 1980	Nov. 24, 1980.
Florida, Georgia, Mississippi	Nov. 3, 1980	Nov. 17, 1980.
North Carolina	Dec. 29, 1980	Jan. 12, 1981.
South Carolina	Oct. 27, 1980	Nov. 10, 1980.
Tennessee	Dec. 29, 1980	Jan. 12, 1981.
V		
Indiana	Dec. 22, 1980	Jan. 5, 1981.
Illinois	Nov. 24, 1980	Dec. 8, 1980.
Michigan	Nov. 3, 1980	Nov. 17, 1980.
Minnesota	Nov. 3, 1980	Nov. 17, 1980.
Ohio	Dec. 29, 1980	Jan. 12, 1981.
VI		
Arkansas	Nov. 17, 1980	Dec. 1, 1980.
Louisiana, Oklahoma, Texas (San Antonio Area Office jurisdiction) [1]	Nov. 3, 1980	Nov. 17, 1980.
New Mexico, Texas (Dallas Area Office jurisdiction) [1]	Dec. 22, 1980	Jan. 5, 1981.
VII		
Iowa, Kansas, Missouri, Nebraska	Nov. 3, 1980	Nov. 17, 1980.
VIII		
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	Nov. 3, 1980	Nov. 17, 1980.
IX		
Arizona, California, Nevada	Dec. 29, 1980	Jan. 12, 1981.
Hawaii	Dec. 15, 1980	Dec. 29, 1980.
X		
Alaska	Oct. 20, 1980	Nov. 3, 1980.
Idaho, Oregon, Washington	Nov. 3, 1980	Nov. 17, 1980.

[1] Applicants not familiar with HUD's Area Office jurisdictions for Pennsylvania and Texas should contact either area office to verify which date applies to their geographic area.

Issued at Washington, D.C., September 25, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-30601 Filed 10-1-80; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N-80-1024]

Request for Public Comment on Single Family Real Estate Settlement Practices

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Request for public comment.

SUMMARY: The Department is preparing a report to Congress on the manner in which single family home transactions are conducted in the United States with particular attention to the matter of settlement costs. In preparing the report the Department is seeking public comment to supplement and evaluate materials received from other sources. Anyone wishing to comment upon a particular procedure, practice or problem is encouraged to do so.

COMMENT DUE DATE: October 31, 1980 is the deadline for receipt of comments.

ADDRESS: Interested persons are invited to submit written comments or data regarding the subject area to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, N.W., Washington, D.C. 20410.

Communications should refer to the above docket number and title. All relevant material received on or before October 15, 1980, will be considered in preparation of the Department's report to Congress. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Richard Patterson, Acting Director, Real Estate Practices Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Room 3234, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6524. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department has responsibility for administering the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.). Section 14 (12 U.S.C. 2612) of that statute directs the Secretary of HUD to submit a report to Congress on the need for further legislation in the area of real estate settlement costs. Settlement costs include such items as loan origination fees; loan discounts or points; mortgage insurance and title insurance premiums; attorney, escrow agent, appraiser, abstractor and surveyor fees; real estate brokerage commissions; and funds paid

into reserve or escrow accounts. This notice is an invitation to the public to share with the Department its experiences, observations and thoughts about the home buying and selling process with the Department. These comments will be used to supplement and evaluate material received by the Department from other sources.

While comments on all topics related to real estate settlements are welcome, information relating to the following subjects will be particularly appreciated:

1. Are the costs of buying and selling a home unnecessarily high?

2. What action, if any, should the Federal government take to reduce these costs?

3. What action, if any, should private industry take to reduce these costs?

4. What action, if any, should state and local governments take to reduce these costs?

5. Are there any particular problems or practices which unnecessairly add to the cost of buying or selling a home?

6. Are there any government requirements or policies which add to those costs?

7. Are certain groups or industries charging excessive fees?

8. Have existing Federal laws such as the Real Estate Settlement Proceedures Act (RESPA) and the Truth in Lending Act been effective in reducing or limiting the increase of settlement costs?

9. Is it reasonable to expect consumers to shop for each settlement service (private mortgage insurance, title insurance, legal services, etc.)?

10. Is some form of required bundling or packaging of settlement services necessary and/or feasible so that consumers would be quoted one price for all services rather than separate prices for each individual service?

11. Should mortgage lenders be able to designate the provider of a particular settlement service and have that provider bill the consumer directly?

12. Does the ownership of one settlement service provider by another restrict competition and ultimately lead to higher costs or the maintenance of artificially high costs?

13. Are there any settlement services that can be eliminated or significantly reduced?

14. Are settlement charges based on factors which are related to the actual cost of providing the services?

Issued at Washington, D.C. September 11, 1980.

Alan J. Kappeler,

Deputy Administrator, Office of Interstate Land Sales Registration.

[FR Doc. 80-30603 Filed 10-1-80; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-80-1025]

Public Hearings on Real Estate Settlement Costs

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice is given announcing public hearings on real estate settlement costs.

SUMMARY: The Department has scheduled two public hearings to allow interested persons the opportunity to comment on the issues that should be included in a report to Congress on real estate settlement costs.

FOR FURTHER INFORMATION CONTACT: Richard Patterson, Acting Director, Real Estate Practices Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Room 3234, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6524. (This is not a toll-free number)

SUPPLEMENTARY INFORMATION: The Department has responsibility for administering the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.). Section 14 (12 U.S.C. 2612) of that statute directs the Secretary of HUD to submit a report to Congress on the need for further legislation in the area of real estate settlement costs. Settlement costs include such items as loan origination fees; loan discounts or points; mortgage insurance and title insurance premiums; attorney, escrow agent, appraiser, abstractor and surveyor fees, real estate brokerage commissions; and funds paid into reserve or escrow accounts.

This notice serves as an invitation to the public to participate in hearings on this subject. The first hearing will be held in the Los Angeles, California area on September 23, 1980 at the Federal Building, Room 1S8, 6230 Van Nuys Boulevard, Van Nuys, California at 10 a.m. and 7 p.m. The second hearing will be held in the Washington, D.C. area on October 3, 1980 at The Town Hall, Tysons Corner Shopping Center, Lower Level, Vienna, Virginia at 10 a.m. and 7 p.m. HUD encourages representatives of the settlement industry to attend the day sessions, reserving the evening sessions for consumer involvement. During these meetings, representatives of the Department will receive comments, suggestions and statements relating to the proposed report.

Issued at Washington, D.C., September 11, 1980.

Alan J. Kappeler,

Deputy Administrator, Office of Interstate Land Sales Registration.

[FR Doc. 80-30604 Filed 10-1-80; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-80-1023]

Public Meetings on Real Estate Settlement Costs

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice is given announcing public meetings on real estate settlement costs.

SUMMARY: The Department has scheduled two public meetings to inform interested persons of its progress in preparing a report to Congress on real estate settlement costs and to receive comments, suggestions and questions about that report.

FOR FURTHER INFORMATION CONTACT: Richard Patterson, Acting Director, Real Estate Practices Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Room 3234, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6524. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department has responsibility for administering the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) Section 14 (12 U.S.C. 2612) of that statute directs the Secretary of HUD to submit a report to Congress on the need for further legislation in the area of real estate settlement costs. Settlement costs include such items as loan origination fees; loan discounts or points; mortgage insurance and title insurance premiums; attorney, escrow agent, appraiser, abstractor and surveyor fees; real estate brokerage commissions; and funds paid into reserve or escrow accounts. This notice serves as an invitation to the public to attend meetings on this report. The meetings are to be held on September 19 and October 20, 1980 in the Departmental Conference Room, 10233, of the HUD building, 451 Seventh Street, S.W., Washington, D.C. at 10:00 o'clock a.m. During these meetings, representatives of the Department will discuss the progress of the report and receive comments, suggestions and questions relating to it.

Issued at Washington, D.C., September 11, 1980.

Alan J. Kappeler,

Deputy Administrator Office of Interstate Land Sales Registration.

[FR Doc. 80-30602 Filed 10-1-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Wetlands Classification System

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

ACTION: Adoption of new wetlands classification system.

SUMMARY: The purpose of this document is to announce the adoption of a wetlands classification system to be used by the Fish and Wildlife Service in all wetlands activities.

DATES: A one-year transition period begins October 1, 1980. On September 15, 1980, the Director of the Fish and Wildlife Service signed the release for the Service's Administrative Manual which formally accomplished the adoption of the system.

FOR FURTHER INFORMATION CONTACT: William Wilen, National Wetlands Inventory Project Leader, Office of Biological Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (202) 343-4667.

SUPPLEMENTARY INFORMATION: Wetlands have long been recognized as the most productive type of ecosystem in the world. They include a variety of diverse habitat types, among them marine (open ocean and associated coastline), estuarine (salt marshes and brackish tidal waters), riverine (rivers, creeks, and streams), lacustrine (lakes and deep ponds), and palustrine (small ponds, prairie potholes, marshes, swamps, and bogs).

Wetlands are economically important to man. Two-thirds of the commercially important fish and shellfish harvested along the Atlantic and Gulf coasts depend on coastal estuaries and wetlands for food, spawning grounds, or nurseries for their young; for the Pacific coast, that figure is nearly one-half. They may also perform important water supply, flood protection, and pollution control functions. Increasing national and international recognition of these values has intensified the need for reliable information on the status and extent of wetland resources. To develop comparable information over large areas, a clear definition and classification of wetlands and deepwater habitats is required.

Since 1954, the Fish and Wildlife Service and many other agencies have relied on a previous wetland classification presented in a document known as *Circular 39*. This circular has been one of the most commonly used documents in the effort to preserve this valuable, but rapidly diminishing, national resource. This early classification served as the framework for the first wetlands inventory, although its sole purpose was to assess the amount of waterfowl habitat on the basis of 20 different types of wetlands.

With the increase in understanding of wetlands and their functions has come the need for a broader set of definitions with which to classify these areas. Such factors as dominate animal and plant life, soil type, and water chemistry have all now been incorporated into the Fish and Wildlife Service's new system to define and group wetlands.

This classification system was developed by wetlands ecologists, with the assistance of many private individuals and organizations and local, State, and Federal agencies. In 1974 the Fish and Wildlife service hosted a scientific workshop on wetland classification systems. Participants determined that a national system was needed.

In 1975, 200 people, including representatives of State and Federal agencies and conservation organizations, met to discuss an initial draft classification system. Out of that meeting an interim system was developed which was distributed nationally in late 1977. More than 7,000 copies were made available to interested parties, and a notice of intent to adopt the system for all pertinent Service activities was published December 12, 1977 (42 FR 62432). The numerous comments received on the **Federal Register** notice included those from State and Federal agencies. Subsequent to further field testing, the Service published the final version of the classification system in December 1979.

There is not attempt in the design of this classification system to define the limits of jurisdiction of any Federal, State, or local government or to establish the boundaries of the regulatory programs of government agencies.

The chapter in the Service's Administrative Manual that adopts the new wetlands classification system is reproduced below:

Environmental Considerations—30 AM 10.0: *Wetland Classification*

10.0 *Wetland classificantion.*

10.1 *Adoption.* The Fish and Wildlife Service is officially adopting the wetland classification system described in Office of Biological Services publication FWS/OBS-79/31, entitled "Classification of Wetlands and Deepwater Habitats of the United States," and dated December, 1979. The Government Printing Office reference is: GPO 024-010-00524-6. Future wetland data bases developed by the Service, including the National Wetlands Inventory, will utilize this system.

10.2 *Transition Period.* A one-year transition period, commencing October 1, 1980, will allow for training of Service personnel, amendment of necessary manuals, and further development of the National Wetlands Inventory data base. During this period, Service personnel may continue to use the old wetland classification described in Fish and Wildlife Service Circular 39 for Fish and Wildlife Coordination Act reports, wetland acquisition priority determinations, and other activities in conjunction with the new system, where immediate conversion is not practicable. Upon completion of the transition period, the Circular 39 system will no longer be officially used by the Fish and Wildlife Service except where applicable laws require that system or when the only information available is organized according to that system and cannot be restructured without new field surveys. Congressional committees will be notified of this adoption and will be encouraged to facilitate general adoption of the new system by amending any laws that reference the Circular 39 system.

10.3 *Other agencies.* Other Federal and State agencies are encouraged to convert to the use of this system. No specific legal authorities require the use of this system—or any other system for that matter. However, it is expected that the benefits of national consistency and a developing wetland data base utilizing this system will result in acceptance and use by most agencies involved in wetland management or regulation. Training can be provided to users by the Service, depending on availability of resources.

10.4 *Publication availability.* Copies of the publication describing the wetland classification system can be obtained by writing: National Wetlands Inventory Project Leader, Office of Biological Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated in Washington, D.C.: September 29, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-30690 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Colorado; Craig District Advisory Council Meeting

In accordance with Pub. L. 94-579, notice is hereby given that the first

meeting of the Craig District Advisory Council will be held on November 6, 1980.

The meeting will begin at 10:00 a.m. in the conference Room of the Craig District Office of the Bureau of Land Management, 455 Emerson Street, Craig, Colorado.

The agenda of the meeting will include:

1. Introductions.
2. Role and structure of the Advisory Council.
3. Orientation to BLM and the Craig District, including organization, issues, and problems.
4. The planning, programming, and budgeting process, and its relationship to work accomplishment in the District.
5. Discussion of administrative matters.
6. Scheduling future meetings and topics to be addressed at the next meeting.
7. Questions and answers, statements from the public, and discussion.

The meeting will be open to the public and interested persons may make oral statements to the Council beginning at 4:00 p.m. The District Manager may establish a time limit for oral statements, depending on the number of people wishing to speak. Anyone wishing to address the Council or file a written statement should notify the District Manager, Bureau of Land Management, P.O. Box 248, 455 Emerson Street, Craig, Colorado 81625, by October 31, 1980.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

David J. Walter,

Acting District Manager.

[FR Doc. 80-30663 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[OR 23999]

Oregon; Airport Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) Arthur F. Skipper, d.b.a. the Country Squire Airpark, P.O. Box 571, Sandy, Oregon 97055, has applied for an airport lease for the following land:

Willamette Meridian, Clackamas County, Oregon

T. 2 S., R. 4 E.,
Sec. 35, SW¼NE¼, S½NW¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their names and address to the District Manager, Bureau of Land Management, 3550 Liberty Road, S., P.O. Box 3227, Salem, Oregon 97302.

Dated: September 25, 1980.

David E. Sinclair,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-30667 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District, Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Shosone District Grazing Advisory Board will meet November 6, 1980.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management District Office, 400 West F Street, Shoshone, Idaho 83352. The meeting is open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 2:00 p.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the Shoshone BLM District Manager at the above address by October 28, 1980. Depending on the number of persons wishing to make oral statements, a per person time limit may be established.

The agenda for the meeting will include:

1. Status of decisions and agreements stemming from the Shoshone EIS.
2. Update of Sun Valley Planning Area progress.
3. Range betterment funds breakdown—FY 81.
4. PRIA project fund allocation—FY 81.
5. Proposed projects—FY 81—by Resource Area.
6. Disbursement of Advisory Board funds and project completion.
7. Arrangements for next meeting.

Further information concerning this meeting may be obtained from the Shoshone District Manager, Bureau of Land Management, P.O. Box 2 B, Shoshone, Idaho 83352, telephone (208) 886-2208. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Shoshone District Office, Shoshone, Idaho.

Dated: September 25, 1980.

Charles J. Haszier,

District Manager.

[FR Doc. 80-30673 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[UT-910]

Utah; Proposed Withdrawal and Reservation of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Change to prior notice.

SUMMARY: The Notice of "proposed withdrawal and reservation of lands" published in the **Federal Register** on May 5, 1980, at 45 FR 29644 and 29645, read "It is anticipated that this report would be filed with the Secretary following the October 1, 1980, completion date for the management program as part of its implementation." It is changed to read "It is anticipated that this report would be filed with the Secretary following the November 30, 1980, completion date for the management program as part of its implementation."

FOR FURTHER INFORMATION CONTACT: Reed Stalder, BLM Utah state office (810-524-5326).

Dated: September 26, 1980.

Gary J. Wicks,

State Director.

[FR Doc. 80-30672 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

Washington, Order Providing for Filing of Plats of Survey; Correction

Notice of filing of Washington plats of survey appearing as **Federal Register** Document No. 80-23764 in the issue for August 7, 1980, at Pages 52465 and 52466 is hereby corrected as follows:

Page 52466, line 5, T. 37 N., R. 4 W., should read: T. 37 N., R. 3 W.

Last paragraph page 52466 should read:

All the islands within T. 37 N., R. 3 W., T. 36 N., R. 4 W., excluding Posey Island, and Islands 2, 3, and 4 of T. 37 N., R. 4 W., are withdrawn for the San Juan Islands National Wildlife Refuge, and are administered by the U.S. Fish and Wildlife Service. Posey Island situated in T. 36 N., 4 W., is leased by the State of Washington for recreation and public purposes.

Roger F. Dierking,

Chief, Branch of Records and Data Management.

[FR Doc. 80-30668 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf List of Restricted Joint Bidders

This notice supersedes the List of Restricted Joint Bidders published Monday, April 21, 1980, at 45 FR 26827. Pursuant to the authority vested in the Director of the Bureau of Land Management by the joint bidding provisions of 43 CFR 3316.3, the following companies shall be restricted from bidding jointly with any other company on this same list at Outer Continental Shelf oil and gas lease sales held during the bidding period of November 1, 1980, through April 30, 1981. BP Alaska Exploration Inc., Sohio Alaska Petroleum Company and Sohio Petroleum Company are listed together as one Restricted Joint Bidder; they may bid with each other, but not with any other company on this list:

BP Alaska Exploration Inc., and Sohio Alaska Petroleum Company and Sohio Petroleum Company
Chevron U.S.A., Inc.
Exxon Corporation
Gulf Oil Corporation
Mobil Oil Corporation
Mobil Oil Exploration and Producing Southeast Inc.
Mobil Producing Texas and New Mexico Inc.
Shell Oil Company
Standard Oil Company of California
Texaco Inc.

Ed Hastey,
Associate Director, Bureau of Land Management.

[FR Doc. 80-30518 Filed 10-1-80; 8:45 am]
BILLING CODE 4310-84-C

South Atlantic, Mid-Atlantic, and North Atlantic Outer Continental Shelf Oil and Gas Lease Sales (Proposed Sales No.'s 56, 59, and 52); Request for Comment on Lease Size, Term of Lease, and Bidding System

Supplementary Information: The Bureau of Land Management (BLM) issued a Call for Nominations and Comments for the South Atlantic Outer Continental Shelf (OCS) sale #56 on March 30, 1979, (44 FR 19046), for the Mid-Atlantic OCS sale #59 on July 12, 1979, (44 FR 40727), amended on September 5, 1979, (44 FR 51869), and for the North Atlantic OCS sale #52 on December 31, 1979, (44 FR 77270). Responses received from interested parties and information from other sources were used to select tracts for further environmental analysis and study pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Outer Continental Shelf Lands Act (OCSLA), as amended (43 U.S.C. 1331 et seq.). The BLM announced by press release dated August 2, 1979, that 286 blocks (1,628,198 acres) had been selected for further study for sale #56; by press release dated December 31, 1979, that 253 blocks (1,440,376 acres) had been selected for sale #59, and by press release dated July 1, 1980, that 540 blocks (3,074,319 acres) had been selected for sale #52.

A significant portion of the area selected for these sales occurs in water depths exceeding 200 meters; the deepest area included is in over 2,800 meters of water. Innovative leasing arrangements tailored to the high economic costs associated with deep water operations may be desirable in order to facilitate timely exploration and development of these tracts.

Furthermore, a significant portion of the tracts selected for sales #59 and #52 are thought to be on the Atlantic reef, an ancient buried reef which has been mapped intermittently from the Canadian Shelf, along the U.S. Atlantic Margin, to the great petroliferous reef complex in Mexico. This reef appears to form the seaward edge of the Baltimore Canyon trough and the Georges Bank basin. It occurs in water depths ranging from about 2,000 to 6,000 feet and is covered by 6,000 feet of sedimentary rocks. Our nation's energy and security needs will be served by early testing and development of this hydrocarbon prone area.

The Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA) provide the Secretary of the Interior with flexibility to determine the size of lease block, the length of lease term, and the bidding method used to set financial terms for leases. While the historical size of lease block has been 5,760 acres, Section 8(b)(1) of the OCSLAA provides that an oil and gas lease may exceed that size if, "...the Secretary [of the Interior] finds that a larger area is necessary to comprise a reasonable economic production unit...." Similar flexibility exists with respect to the length of the primary lease term, which has traditionally been 5 years. Section 8(b)(2)(B) provides that an oil and gas lease may be issued for a longer initial period "...not to exceed ten years where the Secretary [of the Interior] finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water or other unusually adverse conditions...." A finding of need for a longer lease term was made for the Federal-State Beaufort Sea sale held on December 11, 1979.

The Secretary of the Interior also has the authority to use a variety of bidding systems to award leases and set financial terms, including arrangements not specifically enumerated in the statute. Section 8(a)(1) of the OCSLAA provides that bidding shall be by sealed bid and, at the discretion of the Secretary of the Interior, on the basis of:

"(A) cash bonus bid with a royalty at not less than 12 1/2 per centum fixed by the Secretary in amount or value of the production saved, removed, or sold;

"(B) variable royalty bid based on a per centum in amount or value of the production saved, removed, or sold, with either a fixed work commitment based on dollar amount for exploration or a fixed cash bonus as determined by the Secretary, or both;

"(C) cash bonus bid, or work commitment bid based on a dollar amount for exploration with a fixed cash bonus, and a diminishing or sliding royalty based on such formulae as the Secretary shall determine as equitable to encourage continued production from the lease area as resources diminish, but not less than 12 1/2 per centum at the beginning of the lease period in amount or value of the production saved, removed, or sold;

"(D) cash bonus bid with a fixed share of the net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;

"(E) fixed cash bonus with the net profit share reserved as the bid variable;

"(F) cash bonus bid with a royalty at no less than 12 1/2 per centum fixed by the Secretary in amount or value of the production saved, removed, or sold and a fixed per centum share of net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;

"(G) work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold; or

"(H) subject to the requirements of paragraph (4) of this subsection, any modification of bidding systems authorized in subparagraphs (A) through (G), or any other systems of bid variables, terms, and conditions which the Secretary determines to be useful to accomplish the purpose and policies of this Act, except that no such bidding system or modification shall have more than one bid variable."

These provisions give the Government broad flexibility to set terms to share financial risks in areas of high economic costs, e.g., through emphasis on Government revenues contingent on production or profits. They also provide methods of encouraging early exploration activity, e.g., through work commitment or area relinquishment type arrangements.

The Department of Energy (DOE) has authority to issue regulations for OCS bidding systems (Sec. 302(b) of the DOE Organization Act, 42U.S.C.7152(b)) and has done so for the following systems:

- cash bonus bid, fixed royalty;
- royalty bid with fixed cash bonus;
- cash bonus bid, sliding scale royalty; and
- cash bonus bid, fixed net profit share.

A request for comments has been published by the DOE in the Federal Register on July 25, 1980. The DOE request addresses points concerning the development of an OCS bidding system employing a work commitment component, and other means to promote the development of the OCS, particularly in "...frontier areas, i.e., those areas of the OCS where there has been no significant exploration, development and production of oil and gas...." In the formulation of policy for the three proposed Atlantic sales, responses to the general DOE request will be reviewed in conjunction with responses to this sale-specific request, as well as analyses and studies concerning bidding systems as they relate to other purposes of the OCS Lands Act.

Comment Requested: This notice specifically requests comments on what type of leasing arrangements, including post-sale financial obligations, should be applied to particular blocks tentatively selected for proposed sales #56, #59, and #52 in order to encourage early exploration and reduce the financial risks to the lessees that result from the high cost of deep water operations. The specific items to be commented on are: lease blocks larger than 5,760 acres; primary terms of leases longer than five years; and, bidding systems or financial terms that could facilitate leasing and subsequent exploration and development. To the extent possible, respondents should indicate desirable combinations of these factors, rather than commenting solely on a particular factor in isolation from the others. Commenters should indicate the advantages of such leasing arrangements from the viewpoint of their effects on the willingness of firms to participate in leasing, on incentives for early and active exploration, and on promotion of efficiency in exploration and development activity. The conventional leasing arrangement of a cash bonus bid, 1/6 royalty system, with a five-year primary term and 5,760-acre lease block should be the basis for comparison.

Any block identified should be described in reference to the Outer Continental Shelf Official Protraction Diagrams prepared by the BLM. Only whole blocks, or properly described portions thereof not less than one-quarter of a block, should be grouped in an area suggested for a single lease. Although individual company suggestions shall be considered as privileged and confidential information, the names of those commenting will be a matter of public record.

In addition to the general information described above, comment is requested on the following subjects. Respondents should identify the specific item being addressed by its Roman numeral classification.

I. Larger Lease Blocks

Comments should address the effects of issuing leases for larger areas on the pace of exploration and on the efficiency of exploration and development and production. One question is whether larger lease blocks could facilitate the proper sequencing of exploratory wells on major structures and could lead to more economical development and production of reservoirs underlying several standard sized tracts. In addition, the combination of larger lease blocks and use of the fixed net profit share system may reduce the financial risks of exploratory drilling borne by lessees and thus promote more rapid exploration. Because of larger tract sizes, more dry wells may fall on the same tract as producing wells, and therefore serve to reduce profit share payments. To achieve this effect, which would permit the Government to share more of the exploration risks, it may be useful to lease blocks large enough to encompass an entire structure or several structures. Commenters should specifically respond to the following questions:

A. What factors should be considered in determining what constitutes a "reasonable economic production unit?" How are these factors reflected in any lease configuration(s) recommended?

B. To what extent can unitization agreements provide the same benefits as leasing in larger lease blocks in exploration? In production?

C. What are the most desirable ways to set larger lease blocks?

1. up to 6 contiguous blocks overlying a single identifiable structure
2. up to 10 contiguous blocks overlying a single identifiable structure
3. up to 50 contiguous blocks overlying two or more identifiable structures
4. any number of contiguous blocks necessary to cover an entire structure

D. What are the specific gains in the pace of exploration or the economics of production expected for those blocks where a lease block larger than 5,760 acres is recommended?

II. Longer Lease Terms

Although use of a longer primary lease term would appear to extend the period of exploration, allowing slower rather than promoting more rapid exploration, it may be advantageous to assure lessees sufficient time to develop needed information and new technology and to complete drilling, especially when costs are high, operations are time consuming, and larger than traditional lease blocks are used. Use of longer primary lease terms may allow the leasing and initial exploration of deep water tracts without the risk that they would need to be relinquished and then re-leased after new developments occur. Commenters should address the following questions:

A. What factors should be used in determining whether the primary lease term for particular blocks should be extended one, two, three, four or five years beyond the traditional five-year primary term?

B. What information supports the classification of "...unusually deep water or other unusually adverse conditions..." for those blocks where a primary term exceeding five years is recommended?

C. What is the nature and magnitude of increases in the rate of exploration or any economic gains expected to be realized for those blocks for which a primary term exceeding five years is recommended?

III. Bidding Systems and Financial Terms

The BLM seeks to develop bidding systems and financial terms that reduce disincentives for exploration in areas of high financial risk and promote rapid and efficient exploration and development, as well as meeting the other objectives of the OCS Lands Act. The financial risk to lessees associated with cash bonus payments may be reduced through greater reliance on payments contingent on production or profits for collection of lease revenues. It may also be possible to reduce the disincentives caused by high financial risk of exploration by shifting part of potential losses from exploration to the government.

In addition, incentives for rapid exploration may be created through use of a work commitment for the amount of exploration costs or a requirement to relinquish a specified percentage of a lease block at the end of a 5-year initial lease term, or both. Commenters should address the following questions:

A. What financial terms will encourage more bidders in lease sales in these high cost areas, induce early and active exploration, and promote efficiency in exploration and development activities? (Please comment specifically on the public benefits of receiving more or most government revenue in the form of payments contingent on production or profits such as profit share payments.)

B. What are the different effects that greater reliance on payments contingent on production or profits may have on investments in exploratory drilling in deep water, including the type and number of firms involved and the rate and sequencing of wells?

C. What are the drawbacks to dominant reliance on payments contingent on production or profits for receipt of government revenues?

D. What are the preferred ways to structure payments contingent on production or profits, including cash bonus bid, fixed profit share leasing, as defined by DOE regulations, with profit share parameters of:

1. 50% profit share rate and 1.00 capital recovery factor;
2. 75% profit share rate and 0.33 capital recovery factor.

E. It may be possible to shift a portion of the financial risk of exploration to the Government by allowing bonus credits for a percentage of costs of exploration on dry tracts in conjunction with the fixed net profit share system. If credit were allowed for a percentage of exploration costs equal to the profit share rate, the government would share similarly in the losses from unsuccessful

exploration as it shares in the costs of successful exploration through profit sharing. In order to facilitate application of exploration credits to the bonus, a portion of the bonus would be deferred (as authorized by Sec. 8(a)(2) of the OCSLA as amended) until relinquishment of the tract if dry, or submission of a development plan if productive. What would be the effects on the rate and efficiency of exploration of allowing such credits to be applied against deferred bonus payments at the time a dry tract is relinquished?

F. What would be the effects on the rate and efficiency of exploration if, at the end of a 5-year term, there were a required relinquishment of a percentage of a large lease block of:

1. 50%
2. 75%

G. What would be the effects on the rate and efficiency of exploration if a work commitment were fixed for:

1. one exploratory well;
2. a full exploration program?

H. What combination of lease size, lease term, profit share rate, bonus credit, work commitment, and acreage relinquishment is most preferable?

Dates and Contacts: Questions concerning this request should be referred to either Thomas Readinger on (202) 343-5121 or H. Theodore Heintz on (202) 343-7258. To be of use, information must be submitted by November 21, 1980, to the Director, Attention 540, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

Ed Hastey,
Associate Director, Bureau of Land Management.

Dated: September 26, 1980.
Approved:
Heather L. Ross,
Deputy Assistant Secretary of the Interior.

[FR Doc. 80-30617 Filed 10-1-80; 8:45 am]
BILLING CODE 4310-84-C

[INT FEIS—80-42]

Availability of Final Gunnison Basin Resource Area; Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement (FEIS) for proposed grazing management of the Gunnison Basin Resource Area.

The FEIS analyzes the potential impacts that would result from implementation of a livestock grazing management program on approximately 637,277 acres of public land managed by the Bureau of Land Management (BLM) in southwestern Colorado.

The FEIS examines the impacts that would result from implementing a proposed system of spring rest to guide livestock grazing use in the area. Also analyzed are the continuation of 34 existing management plans (AMPs) and development of 69 new AMPs under the proposed action, less intensive management would be applied to 50 allotments; 11 allotments which are presently not allotted for livestock grazing would continue in that status; and, livestock grazing would be eliminated from 2 allotments.

A system of rangeland improvements is included in the proposed action. Such improvements would consist of spring, fences, wells, water pipelines, cattle guards, reservoirs, and trails, all designed to improve livestock distribution and management flexibility. Other improvements would involve rangeland treatments, both mechanical and chemical, designed to reduce sagebrush densities and increase forb and grass vegetation production.

The proposed program would result in improvement of range condition, terrestrial habitat for wildlife and watershed conditions in the Gunnison River watershed. Rangeland in good or excellent condition would increase by 171,000 acres, poor condition rangeland would decrease by 88,000 acres, and livestock and wildlife vegetation would be expected to increase by over 16,000 animal unit months in the next 20 years.

Five alternatives were examined in addition to the proposed action, which resulted from BLM's planning process for the area. They were: (a) no action—continuation of the present program, (b) elimination of all livestock from public lands, (c) an alternative favoring wildlife and watershed values, (d) an alterntive favoring livestock grazing and (e) a fall rest alternative.

Copies of the final statement are available for inspection at the following locations:

Bureau of Land Management, Room 2063, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240 (Phone: 202-343-6011)

Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (Phone: 303-837-4481)

Bureau of Land Management, Montrose District Office, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401 (Phone: 303-249-7791)

Bureau of Land Management, Gunnison Basin Resource Area, 336 South 10th Street, Montrose, Colorado 81401 (Phone: 303-249-2244)

Bureau of Land Management, San Juan Resource Area Office, 701 Camino Del Rio, Durango, Colorado 81301 (Phone: 303-247-4082)

Public Libraries

Montrose Regional Library, 434 South First, Montrose, Colorado 81401

Western State College Library, Gunnison, Colorado 81230

Gunnison County Public Library, 307 N. Wisconsin, Gunnison, Colorado 81230

Crested Butte Library, 312 N. Main, Crested Butte, Colorado 81224

Silverton Public Library, 1118 Reese, Silverton, Colorado 81433

Durango Public Library, 1188 Second Avenue, Durango, Colorado 81301

Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206

County Courthouses

Montrose County, Montrose, Colorado
Hinsdale County, Lake City, Colorado
San Juan County, Silverton, Colorado
Gunnison County, Gunnison, Colorado
Saguache County, Saguache, Colorado
Ouray County, Ouray, Colorado

Single copies of the final statement can be obtained from the District Manager, Montrose District Office; the Area Manager, Gunnison Basin Resource Area; or the State Director, Colorado State Office, at the addresses listed above.

Dated: September 26, 1980.

Charles W. Luscher,

Acting State Director.

[FR Doc. 80-30618 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[1784 [N-064.4]]

Battle Mountain District; District Advisory Council Meeting

The Battle Mountain District of the Bureau of Land Management, in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 (FLPMA), will convene a multiple-use Advisory Council meeting on October 15, 1980 at 10:00 a.m. in the Shoshone-Eureka Conference Room of the Battle Mountain District Office in Battle Mountain, Nevada. As the first meeting of the Council, the agenda will consist of an introduction to District programs and concerns.

Members of the public are welcome to make oral comments at 2:00 p.m. Persons wishing to do so should contact Gene Nodine.

For more information, please contact the responsible officer, Gene Nodine, District Manager at the following address: Bureau of Land Management, Battle Mountain District Office, P.O. Box 194, 2nd and Scott Streets, Battle Mountain, Nevada 89820, Telephone: (702) 635-5181.

Gene Nodine,

District Manager, Battle Mountain District, Nevada.

September 24, 1980.

[FR Doc. 80-30561 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 23897 WR]

Recreation and Public Purposes Act Classification: Continuation

September 22, 1980.

Effective September 1, 1976, the following public lands were classified for disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-A) under serial number Colorado 23897.

Sixth Principal Meridian

T. 12 N., R. 91 W.,
Sec. 20, Lot 15, containing 35.17 acres.

This classification segregates the lands from all forms of appropriation under the public land laws, except the R&PP Act, and from location and entry under the general mining laws, but not from leasing under the mineral leasing laws.

The classification has been reviewed under Section 204(1), Federal Land Policy and Management Act of 1976 (90 Stat. 2754). The lands are leased to Moffat County, Colorado under the R&PP Act for use in connection with a developed highway shop facility.

The classification is serving a useful purposes and is continued so long as the lands are leased under the R&PP Act.

Harold R. Martin,

Acting State Director.

[FR Doc. 80-30556 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 9727 WR]

Recreation and Public Purposes Act Classification: Continuation

September 22, 1980.

Effective September 22, 1970, the following public lands were classified for disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-A) under serial number Colorado 9727.

Sixth Principal Meridian

T. 6 N., R. 95 W.,

A portion of Section 5 described as follows:

Beginning at a point on the west line of Section 5 lying South 100.32 feet from the NW corner of said Section 5; thence South 466.60 feet; thence South 89° 58′ E. 466.60 feet; thence North 466.60 feet; thence North 89° 58′ W. 466.60 feet to the point of beginning, containing approximately 5 acres.

This classification segregates the lands from all forms of appropriation under the public land laws, except the R&PP Act, and from location and entry under the general mining laws, but not from leasing under the mineral leasing laws.

The classification has been reviewed under Section 204(1), Federal Land Policy and Management Act of 1976 (90 Stat. 2754). The lands are leased to Moffat County, Colorado under the R&PP Act for use as a solid waste disposal site.

The classification is serving a useful pupose and is continued so long as the lands are leased under the R&PP Act.

Harold R. Martin,

Acting State Director.

[FR Doc. 80-30557 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 12675 WR]

Recreation and Public Purposes Act Classification: Continuation

Effective January 20, 1972, the following public lands were classified for disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-A) under serial number Colorado 12675.

Sixth Principal Meridian

T. 1 N. R. 101 W.,

Sec. 6, SE¼NE¼, containing 40 acres.

This classification segregates the lands from all forms of appropriation under the public land laws, except the R&PP Act, and from location and entry under the general mining laws, but not from leasing under the mineral leasing laws.

The classification has been reviewed under Section 204(1), Federal Land Policy and Management Act of 1976 (90 Stat. 2754). Portions of the lands were subsequently leased to the town of Rangely as a solid waste disposal site. An application by the town to enlarge the site is being processed. Continued use for an indefinite period is anticipated.

The classification is serving a useful purpose and is continued for 10 years from the date of this notice, or until use of the lands under the R&PP Act ceases, whichever occurs first, at which time the classification will be reviewed under Section 204(f) of the Federal Land Policy and Management Act.

Harold R. Martin,

Acting State Director.

[FR Doc. 80-30558 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 7703 WR]

Recreation and Public Purposes Act Classification: Continuation

Effective December 8, 1971, the following public lands were classified for disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-A) under serial number Colorado 7703.

Sixth Principal Meridian

T. 1 N., R. 102 W.,

Sec. 12, tract of land described as follows:

From the common Quarter Corner between Section 11 and Section 12, Township 1 North, Range 102 West of the 6th P.M., north along the common line between said sections 495 feet, thence east 100.5 feet for a point of beginning; thence N 19°15′ E 660 feet; thence S 70°10′ E 660 feet; thence S 19°50′ W 660 feet; thence N 70°10′ W.

Containing 10 acres.

This classification segregates the lands from all forms of appropriation under the public land laws, except the R&PP Act, and from location and entry under the general mining laws, but not from leasing under the mineral leasing laws.

The classification has been reviewed under Section 204(1), Federal Land Policy and Management Act of 1976 (90 Stat. 2754). The lands were subsequently leased to the B.P.O. Elks #1907, Rangely, Colorado, under the R&PP Act for use as a recreation site. The lease has expired, but it is being renewed.

The classification is serving a useful purpose and is continued for 10 years from the date of this notice, or until use of the lands under the R&PP Act ceases, whichever occurs first, at which time the classification will be reviewed under Section 204(f) of the Federal Land Policy and Management Act.

Harold R. Martin,

Acting State Director.

[FR Doc. 80-30559 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

Coos Bay District Office; Oregon Designation of Public Lands for Off-Road Vehicle Use

The following closed, limited, and open designations of public lands for Off-Road Vehicle Use are the result of decisions made in the South Coast Curry Sustained Yield Management Framework Plan and received full public review during a formal comment period.

ORV Use Designations

Notice is hereby given that use of Off-Road Motorized Vehicles (ORV's) on certain public lands in Coos, Curry and Douglas Counties, Oregon, is permanently allowed, prohibited, or limited as listed below. These designations are in accordance with 43 CFR Part 8340. They do not apply to nonamphibious registered motorboats; and military, fire, emergency, or law enforcement vehicles while being used for emergency purposes; any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; vehicles in official national defense emergencies.

Closed Areas

1. New River, located approximately eight air miles south of Bandon, Oregon.

Township 30 South, Range 15 West, Willamette Meridian

Sec. 3, Lots 3 and 4,
Sec. 10, SW¼ SE¼, Lots 1 through 4,
Sec. 15, NW¼NE¼, Lots 1 through 4,
Sec. 21, Lot 2,
Sec. 22, NW¼SW¼, Lots 1 and 2.
Total Acres: 523.18.

This area is closed to ORV use to prevent damage to significant research values, candidate threatened species of plants, threatened wildlife, and significant cultural values.

2. Belieu Ridge meadow, located approximately one and one half air miles northeast of Bridge, Oregon.

Township 29 South, Range 11 West, Willamette Meridian

Sec. 26, NE¼, N½SE¼.
Total Acres: 240.

This area is closed to ORV use to protect significant cultural values.

3. Roman Nose meadow, located approximately twelve air miles southeast of Mapleton, Oregon.

Township 19 South, Range 9 West, Willamette Meridian

Sec. 23, NE¼NW¼.
Total Acres: 40.

This area is closed to prevent damage to candidate threatened species of plants.

4. Cherry Creek Research Natural Area, located approximately 13 air miles northeast of Coquille, Oregon.

Township 27 South, Range 10 West, Willamette Meridian

Sec. 17, All,
Sec. 28, All,
Sec. 19, All,
Sec. 20, All.
Total Acres: 2560.

This area is closed to ORV use to prevent damage to an area having significant research values.

5. Hunter Creek Bog, located about six air miles southeast of Gold Beach, Oregon.

Township 37 South, Range 14 West, Willamette Meridian

Sec. 1, All,
Sec. 2, E½,
Sec. 11, E½,
Sec. 12, All,
Sec. 13, NE¼, NW¼, SE¼,
Sec. 24, All.
Total Acres: 3040.

This area is closed to ORV use to prevent damage to candidate threatened species of plants.

6. Greggs Creek, located approximately eight air miles north of Gold Beach, Oregon.

Township 35 South, Range 14 West, Willamette Meridian

Sec. 18, SE¼SE¼.
Total Acres: 40.

This area is closed to ORV use to prevent damage to significant research values, candidate threatened species of plants, threatened wildlife, and significant cultural values.

Limited Areas

1. Blue Ridge, located approximately seven air miles southeast of Coos Bay, will be limited to ORV use on designated roads and trails to provide recreational opportunities for the public.

Township 26 South, Range 12 West, Willamette Meridian

Sec. 25, All,
Sec. 26, All,
Sec. 35, All.
Total Acres: 1920.

2. The following areas, located throughout the Coos Bay District, will be limited to ORV activity on designated routes from October to May to prevent significant erosion and road destruction.

Township 19 South, Range 8 West, Willamette Meridian (W.M)

Sec. 19, S½S½,
Sec. 30, SE¼.

Township 19 South, Range 9 West, W.M.

Sec. 21, E½,
Sec. 22, N½, SW¼,
Sec. 25, S½.

Township 20 South, Range 8 West, W.M.

Sec. 5, N½S½,
Sec. 7, E½,
Sec. 9, NE¼,
Sec. 13, SE¼,
Sec. 15, N½,
Sec. 21, NW¼,
Sec. 23, SW¼,
Sec. 27, NE¼,
Sec. 29, E½, NW¼,
Sec. 33, W½,
Sec. 34, SW¼,
Sec. 35, SE¼.

Township 20 South, Range 9 West, W.M.

Sec. 1, NE¼,
Sec. 2, NE¼,
Sec. 3, NE¼,N½S½,
Sec. 7, All,
Sec. 11, NE¼,
Sec. 12, NE¼,
Sec. 13, NE¼, NW¼, SW¼,
Sec. 14, S½,
Sec. 15, NW¼, SE¼,
Sec. 17, NE¼,
Sec. 18, SW¼,
Sec. 21, W½,
Sec. 23, NW¼,
Sec. 25, SE¼,
Sec. 26, All,
Sec. 30, SW¼,
Sec. 31, NE¼,
Sec. 32, E½,
Sec. 35, SE¼.

Township 20 South, Range 10 West, W.M.

Sec. 11, N½S½,
Sec. 13, SE¼,
Sec. 24, NW¼,
Sec. 25, NW¼.

Township 21 South, Range 7 West, W.M.

Sec. 31, SW¼,
Sec. 33, SW¼.

Township 21 South, Range 8 West, W.M.

Sec. 2, SE¼,
Sec. 3, SE¼,
Sec. 5, NE¼, S½,
Sec. 9, All,
Sec. 10, N½,
Sec. 11, NW¼,
Sec. 12, All,
Sec. 15, NW¼,
Sec. 19, S½,
Sec. 23, W½,
Sec. 24, NE¼,
Sec. 27, All,
Sec. 29, NW¼,
Sec. 33, S½, NE¼,
Sec. 35, All.

Township 21, South, Range 9 West, W.M.

Sec. 2, NE¼,
Sec. 3, N½.

Township 22 South, Range 7 West, W.M.

Sec. 6, NW¼,
Sec. 7, SE¼.

Township 22 South, Range 8 West, W.M.

Sec. 1, N½,
Sec. 3, N½,
Sec. 5, N½,
Sec. 9, W½,
Sec. 17, SE¼, W½.

Township 23 South, Range 8 West, W.M.

Sec. 13, W½,
Sec. 14, E½,
Sec. 17, S½.

Township 25 South, Range 8 West, W.M.

Sec. 5, SE¼,
Sec. 8, E½,
Sec. 32, NE¼.

Township 25 South, Range 10 West, W.M.

Sec. 33, NE¼.

Township 26 South, Range 8 West, W.M.

Sec. 20, SW¼, NE¼,
Sec. 22, SW¼.

Township 26 South, Range 9 West, W.M.

Sec. 14, SW¼,
Sec. 17, S½, NW¼,
Sec. 19, SW¼,
Sec. 21, SW¼,
Sec. 28, NE¼.

Township 26 South, Range 10 West, W.M.

Sec. 4, NW¼,
Sec. 7, N½,
Sec. 9, NW¼,
Sec. 13, E½,
Sec. 14, SW¼,
Sec. 15, SE¼,
Sec. 17, SW¼, NW¼SE¼,
Sec. 19, NW¼,
Sec. 23, N½, SW¼,
Sec. 25, SW¼,
Sec. 27, NW¼,
Sec. 28, NE¼,
Sec. 35, NE¼SW¼.

Township 26 South, Range 11 West, W.M.

Sec. 1, NE¼,
Sec. 23, SE¼,
Sec. 25, E½,
Sec. 35, S½.

Township 27 South, Range 9 West, W.M.

Sec. 4, SW¼NE¼,
Sec. 7, S½,
Sec. 10, NW¼, NE¼, SW¼,
Sec. 14, W½,
Sec. 15, NW¼,
Sec. 17, NE¼,
Sec. 19, SW¼,
Sec. 20, SW¼,
Sec. 21, NE¼,
Sec. 23, SE¼,
Sec. 24, NW¼, SE¼,
Sec. 26, SE¼,
Sec. 27, SW¼,
Sec. 29, SE¼,
Sec. 35, W½.

Township 27 South, Range 10 West, W.M.

Sec. 7, N½,

Sec. 13, SE¼,
Sec. 16, NE¼,
Sec. 21, SE¼,
Sec. 30, NE¼,
Sec. 33, All.

Township 27 South, Range 11 West, W.M.

Sec. 5, SE¼,
Sec. 9, W½,
Sec. 13, SE¼,
Sec. 16, NW¼,
Sec. 19, NW¼, SE¼,
Sec. 21, NW¼,
Sec. 23, All,
Sec. 24, NW¼,
Sec. 25, S½,
Sec. 26, NE¼,
Sec. 27, NW¼,
Sec. 29, NW¼, S½,
Sec. 31, SE¼.

Township 27 South, Range 12 West, W.M.

Sec. 1, All,
Sec. 3, S½,
Sec. 4, All,
Sec. 5, E½,
Sec. 9, NW¼,
Sec. 11, All,
Sec. 12, NW¼,
Sec. 13, N½, SW¼,
Sec. 14, NW¼,
Sec. 15, All,
Sec. 23, W½,
Sec. 25, SE¼,
Sec. 35, SW¼.

Township 28 South, Range 8 West, W.M.

Sec. 7, E½.

Township 28 South, Range 9 West, W.M.

Sec. 1, NW¼,
Sec. 3, NW¼, NE¼, SE¼,
Sec. 5, W½,
Sec. 7, S½,
Sec. 8, SW¼,
Sec. 11, NE¼,
Sec. 15, N½,
Sec. 17, All,
Sec. 21, SE¼,
Sec. 22, SW¼,
Sec. 23, N½, SW¼,
Sec. 29, SE¼.

Township 28 South, Range 10 West, W.M.

Sec. 1, N½,
Sec. 3, S½,
Sec. 5, NW¼, NE¼, SW¼,
Sec. 6, SE¼,
Sec. 7, E½,
Sec. 15, NW¼,
Sec. 17, S½,
Sec. 19, W½,
Sec. 23, E½,
Sec. 27, NE¼,
Sec. 33, SE¼,
Sec. 34, N½,
Sec. 35, SE¼.

Township 28 South, Range 11 West, W.M.

Sec. 1, NW¼,
Sec. 5, SE¼,
Sec. 13, S½,
Sec. 16, E½,
Sec. 17, NE¼SW¼,
Sec. 19, NW¼,
Sec. 21, NW¼,
Sec. 31, NE¼,
Sec. 32, S½,
Sec. 35, SW¼,
Sec. 36, SW¼.

Township 28 South, Range 12 West, W.M.

Sec. 1, SE¼,
Sec. 13, S½, NE¼,
Sec. 27, E½,
Sec. 35, S½.

Township 29 South, Range 9 West, W.M.

Sec. 7, SE¼, NW¼,
Sec. 17, All,
Sec. 29, N½,
Sec. 31, NW¼.

Township 29 South, Range 10 West, W.M.

Sec. 2, NW¼,
Sec. 3, NE¼,
Sec. 9, W½,
Sec. 11, SW¼,
Sec. 25, All,
Sec. 35, All.

Township 29 South, Range 11 West, W.M.

Sec. 3, SW¼,
Sec. 4, N½,
Sec. 5, N½,
Sec. 9, NE¼,
Sec. 11, SW¼,
Sec. 17, SW¼,
Sec. 25, NE¼,
Sec. 26, NW¼,
Sec. 29, SE¼.

Township 30 South, Range 9 West, W.M.

Sec. 4, NW¼,
Sec. 5, NW¼,
Sec. 9, NE¼,
Sec. 17, NE¼,
Sec. 21, SE¼.

Township 30 South, Range 10 West, W.M.

Sec. 3, NE¼,
Sec. 9, SW¼,
Sec. 11, W½,
Sec. 17, NE¼,
Sec. 31, NE¼.

Township 30 South, Range 11 West, W.M.

Sec. 5, NE¼,
Sec. 13, SE¼,
Sec. 15, SW¼,
Sec. 33, NW¼,
Sec. 35, W½.

Township 30 South, Range 13 West, W.M.

Sec. 7, NE¼,
Sec. 25, NW¼.

Township 31 South, Range 11 West, W.M.

Sec. 2, NW¼.

Township 31 South, Range 12 West, W.M.

Sec. 5, NW¼,
Sec. 7, E½,
Sec. 17, W½,
Sec. 19, SW¼,
Sec. 21, SW¼.

Township 31 South, Range 13 West, W.M.

Sec. 1, SE¼.

Township 31 South, Range 14 West, W.M.

Sec. 15, SE¼,
Sec. 22, NE¼.

Open Areas

All remaining areas within the Coos Bay District not listed as closed or limited are designated as open to ORV use. Total acres designated as open are 257,218.82.

All lands designated as open, closed or limited are depicted on ORV Designation Maps available from the Coos Bay District Office, Bureau of Land Management, 333 South Fourth Street, Coos Bay, Oregon 97420.

All designations are effective immediately and will remain in effect until revised, reworked or amended by the authorized officer pursuant to 43 CFR 8340.

Paul M. Sanger,
District Manager.
September 25, 1980.

[FR Doc. 80-30560 Filed 10-1-80; 8:45 am]
BILLING CODE 4310-84-M

[INT FEIS 80-43]

Final Ironside Grazing Management Environmental Impact Statement; Availability of FEIS

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared to a final environmental impact statement for the Ironside EIS area. The proposal involves implementing a livestock grazing program on public lands within portions of the Baker and Vale Districts in eastern Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C.
Bureau of Land Management, Office of Public Affairs, 729 N.E. Oregon Street, Portland, Oregon.
Bureau of Land Management, Baker District Office, Federal Building, Baker, Oregon.
Bureau of Land Management, Vale District Office, 365 A Street West, Vale, Oregon.
Library, Treasury Valley Community College, Ontario, Oregon.
Library, Eastern Oregon State College, LaGrande, Oregon.
Library, Portland State College, Portland, Oregon.
Library, Oregon State College, Corvallis, Oregon.
Baker County Library, Baker, Oregon.
Malheur County Library, Ontario, Oregon.

A limited number of copies are available upon request to the Oregon

State Director or the Baker and Vale Districts at the above addresses.

Dated: September 10, 1980.

William G. Leavell,

State Director.

[FR Doc. 80-30617 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

Intensive Wilderness Inventory of Units in Southeast Oregon; Decisions in Effect and Decisions Appealed

Final decisions on the accelerated intensive wilderness inventory of 30 units in southeast Oregon were announced in the **Federal Register** on March 27, 1980, pages 20166 and 20167. A notice was published in the **Federal Register** on May 21, 1980, page 34075 identifying which decisions were in effect and which had been protested. On August 5, 1980, a notice was published in the **Federal Register**, pages 51925–51926 to explain responses to the protests and to announce a period during which appeals could be filed against the responses to the protests. Tunder protests. This notice identifies which decisions or units previously under protest are now in effect and which are under appeal.

A. The decisions on the following units or subunits were previously under protest. No appeals were received and the decisions are now final and in effect.

Unit Identified as a Wilderness Study Area

Unit No.	Acreage
5-14	3,114
1-76	20,040
1-77	9,920
1-105	30,000
2-1	62,885
2-11	11,300
2-23A	5,910
2-26	15,045
2-74E	23,140
2-74N	10,470
3-154	6,680
Total	195,390

B. The decisions to identify the following two subunits as wilderness study areas were previously protested, the protests were denied, and the decisions are now under appeal to the Interior Board of Land Appeals.

The interim Management Policy and Guidelines continue to apply to these areas.

Unit No.	Acreage
2-81L	67,430
2-62H	97,395
Total	164,825

C. One other wilderness inventory unit in Oregon continues under an appeal of an initial inventory decision. It is Unit 11-6 with 720 acres. The appeal on this unit was announced in the **Federal Register** on November 29, 1979, page 68526.

Frank A. Edwards,

Acting State Director.

[FR Doc. 80-30619 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[NM 41959]

New Mexico; Notice of Application

September 25, 1980.

Notice 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), El Paso Natural Gas Company has applied for one 10¾ inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 27 E., N.M.P.M.,
Sec. 34: NW¼NW¼,
Sec. 35: NE¼NE¼.

This pipeline will convey natural gas across 0.146 of a mile 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

Philip D. Moreland,

Acting District Manager.

[FR Doc. 80-30563 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. NM 32052]

New Mexico; Designation of the Mescalero Sands Outstanding Natural Area

Pursuant to the authority in 43 CFR, Subpart 2070, I hereby designate the public lands in the following described area as the Mescalero Sands Outstanding Natural Area:

T. 11 S., R. 30 E., N.M.P.M.,
Sec. 25: S½, S½N½.
T. 12 S., R. 30 E., N.M.P.M.,
Sec. 1: All,
Sec. 11: All,
Sec. 12: All,
Sec. 13: E½,
Sec. 14: N½, N½S½, S½SW¼, SW¼SE¼.
T. 11 S., R. 31 E., N.M.P.M.,
Sec. 30: Lots 2, 3 and 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼,
Sec. 31: All.
T. 12 S., R. 31 E., N.M.P.M.,
Sec. 6: All,
Sec. 7: All,
Sec. 18: All.
(6293.07 acres)

The area described aggregates about 6,293 acres, of which approximately 6,293 acres are public lands.

The Mescalero Sands Outstanding Natural Area contains the largest expanse of open sand dunes in southeastern New Mexico. In addition, this area contains nationally significant cultural values and provides habitat for sensitive and threatened wildlife species. The area will managed, subject to valid existing rights, to provide for public enjoyment consistent with preservation of the scenic, biological and cultural resources.

This designation will become effective November 3, 1980. The State Director may amend this designation, based upon public comments received as a result of this publication. Any amendment will become final 30 days after publication in the **Federal Register**. Public comments should be submitted to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

Additional information concerning this designation can be obtained from Michael C. Bunker, Outdoor Recreation Planner at the BLM Roswell District Office, 1717 W. Second Street, P.O. Box 1397, Roswell, NM 88201 or call (505) 622-7670.

Larry L. Woodard,

State Director.

[FR Doc. 30555 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Designation of Simon Canyon as an Area of Critical Environmental Concern

September 10, 1980.

Pursuant to the authority of the Federal Land Policy and Management of 1976 (43 USC 1701, 1711 and 1712), I hereby designate the following public lands as the Simon Canyon Area of Critical Environmental Concern.

Simon Canyon

Area of Critical Environmental Concern; Legal Description, New Mexico Principle Meridian

T. 31N., R 8W.,
Sec. 15: SW¼NW¼, 40; SW¼, 160; W½SE¼, 80.
Sec. 22; W½, 320.
Sec. 26: S½S½NW¼, 40; N½SW¼, 80.
Sec. 27: E½NW¼, 80; W½NE¼, 80; S½SE¼NE¼, 20; SE¼, 160.

Sec. 28: SE¼, 160.
Sec. 33: E½NE¼, 80; NE¼SE¼, 40.
Sec. 34: N½, 320; N½SW¼, 80; E½SE¼SW¼, 20; SE¼, 160.
Sec. 35: W½SW¼, 80; SW¼NW¼, 40.
T. 30N., R 8W.,
Sec. W½ Lot 1, 20.9; Lot 2, 41.4; Lot 3, 41; Lot 4, 40.6; SW¼NE¼, 40; W½SE¼NE¼, 20; S½NW¼, 80; W½SE¼, 80; W½E½SE¼, 40; SW¼, 160.
Sec. 4: E½ Lot 1, 20.2; S½, 320; S½NW¼, 80; E½SE¼NE¼, 20.
Sec. 5: NE¼SE¼, 40; SE¼NE¼, 40.
Sec. 9: N½NE¼, 80; SE¼NE¼, 40.
Sec. 10: Lot 2, 42.1; Lot 3, 45.5; NW¼, 160.

The area described aggregates 3491.7 acres in San Juan County, New Mexico.

The subject lands have been determined to meet the criteria for being described as an area of critical environmental concern. The subject lands contain resource values, identified in the Bureau's land use planning process, as requiring special management attention. These lands contain representatives natural systems, scenic values, wildlife resources and cultural resources. The importance of these values has been identified as one of the last relatively undistrubed canyons in the productive gas fields of northern New Mexico. Adjacent and surrounding gas production and development requires a special management approach to assure that on-going uses will continue in harmony with the identified relevant and important resource values of the canyon. The management actions outlined in the plan element will allow for harmonious use to continue with adequate protection of the natural values of the canyon. Management actions called for upon designation are outlined in an Area of Critical Environmental concern plan element and accompanying environmental assessment. The specific plan element is available from the Albuquerque District Office, New Mexico.

FOR FURTHER INFORMATION: Contact the District Manager, Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107, or at 505–766–2455.

Larry L. Woodard,
State Director.

[FR Doc. 80-30562 Filed 10-1-80; 8:45 am]
BILLING CODE 4310-84-M

Proposed Grazing Management for the Cowhead/Massacre Planning Unit, Surprise Resource Area, Susanville District, California; Availability of Final Environmental Impact Statement

Pursuant to section 103(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final Environmental impact statement concerning a proposed intensive grazing management program for the Cowhead/Massacre Planning Unit in Modoc County, California, and Washoe County, Nevada. Management proposals are presented and analyzed for each of ten management areas into which four subunits of the planning unit have been divided. Intensive management will occur on eight management areas, less intensive on one; no grazing will be allowed in one subunit and in one management area of another. The planning unit covers 1,094,000 acres, of which 70 percent is Federal land.

Comments on the final environmental impact statement are being solicited from public agencies and interested individuals and entities. The Bureau of Land Management invites written comments on the statement to be submitted by November 3, 1980, to the District Manager, Susanville District, Bureau of Land Management, 705 Hall Street, P.O. Box 1090, Susanville, California 95130.

A limited number of copies of the final environmental impact statement are available upon request at the following offices:

California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484–4541.
Susanville District Office, Bureau of Land Management, 705 Hall Street, P.O. Box 1090, Susanville, California, 95130, Telephone (916) 257–5381.

Copies of the final environmental impact statement will be available for public reading and review at the following locations:

Division of Rangeland Management, Bureau of Land Management, Interior Building, 18th and C Street, NW., Washington, D.C. 20240.
California State Office (911), Bureau of Land Management, 2800 Cottage Way, Sacramento, Califonria 95825, Telephone: (916) 484–4541.
Susanville District Office, Bureau of Land Management, 705 Hall Street, P.O. Box 1090, Susanville California 95130, Telephone (916) 257–5381.

Dated: September 25, 1980.

Ron Hofman,
Associate State Director.

[FR Doc. 80-30599 Filed 10-1-80; 8:45 am]
BILLING CODE 4310-84-M

Central Peloncillo Research Natural Area, Designation as an Area of Critical Environmental Concern

September 19, 1980.

AGENCY: Bureau of Land Management, Las Cruces District Office, New Mexico.

ACTION: Designation of the public lands in the Central Peloncillo Research Natural Area as an Area of Critical Environmental Concern (ACEC).

SUMMARY: Pursuant to the authorities in the Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 and 1712) and the authorization from the Director received January 1979, I hereby designate the following described public lands within the Central Peloncillo Research Natural Area as an ACEC.

New Mexico Principal Meridian, New Mexico.

T. 30 S., R. 20 W.,
Sec. 6, lots 4, 5, 6
Sec. 7, part of lot 3
T. 30 S., R. 21 W.,
Sec. 1, lots 2, 3, 4, SW¼NE¼,
Sec. S½NW¼, NW¼SW¼
Sec. 3, S½
Sec. 9, part of E½SE¼, part of SE¼NE¼
Sec. 10, All
Sec. 11, W½, SE¼, W½NE¼
Sec. 12, lots 2, 3, 4, W½E½,
Sec. S½NW¼, SW¼

The area described aggregates about 2,468 acres of public land.

EFFECTIVE DATES: October 1, 1980.

ADDRESS: Comments should be sent to Larry Woodard, New Mexico Acting State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88001.

SUPPLEMENTARY INFORMATION: ACEC is defined by FLPMA as areas "within the public lands where special management attention is needed (when such areas are developed or where no development is required) to protect and prevent irreparable damage to important historical, cultural or scenic values, fish and wildlife resources or other natural systems or processes or to protect life and safety from natural hazards."

The Bureau of Land Management has adopted, as its policy, that these areas must meet the criteria of importance and relevance as defined in the ACEC policy and procedures guidelines published in June 1980.

The Central Peloncillo Research Natural Area (ACEC) is a natural system strategically located in a northern Madrean ecotype. The relevance criteria is met by the area's location.

The importance criteria is met because the natural processes of this community are uninterrupted by domestic livestock grazing. The selection of nonuse of the grazing privileges by the base property owner

and his desire to continue this practice has created an area that is essentially a giant control plot for an outdoor laboratory. This area of special worth must be protected.

Larry L. Woodard,

Acting State Director.

[FR Doc. 80-30542 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

[NM-030-8003]

New Mexico Off-Road Vehicle Designations; Designation Order

Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340 to protect sensitive resources and resolve user conflicts. The following described lands under the joint administration of the Bureau of Land Management and Department of the Army are designated as limited to existing roads and trails.

The 116,000 acre area affected by the designation is the northern portion of the proposed military withdrawal known as McGregor Range and is located in south central Otero County within the Alamogordo Planning Unit of the Las Cruces, New Mexico Grazing District. All of the area, north of New Mexico State Route 506, segregated for military use will be limited to roads and trails in existence on or before September 30, 1980. A map indicating these roads and trails is available for public inspection at the address noted below. Travel on these roads and trails will be limited to dates, times, and uses specifically authorized by the United States Army Air Defense Center, Fort Bliss, Texas.

This designation is published as final today.

This decision was arrived at following the draft off-road vehicle manual procedures. Verbal and written comments were encouraged and were utilized in the decisionmaking process. An environmental assessment on the decision has been completed and is available for public inspection at the office listed below.

Address: For further information about this designation, contact the following Bureau of Land Management Office: District Manager, Las Cruces District, 1705 North Valley Drive, P.O. Box 1420, Las Cruces, NM 88001.

Larry L. Woodward,

Acting State Director.

[FR Doc.80-30543 Filed 10-1-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Section 5a, Application No. 23A; Middle Atlantic Conference; Petition for Approval of Amendment to Ratemaking Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed amendments to ratemaking agreement.

SUMMARY: Middle Atlantic Conference (MAC), a motor carrier rate bureau, filed a petition on September 15, 1980, requesting Commission approval of certain amendments to the ratemaking agreement among its members. The proposed amendments would consolidate the operations of MAC and the New England Motor Rate Bureau, Inc. (NEB), and thus enable MAC to extend its operations to transportation activities within the New England Territory. The Commission is seeking comments from interested parties on whether this approval should be granted.

DATE: Comments are due on or before November 17, 1980.

ADDRESS: Send an original and 15 copies (if possible) of comments to: Interstate Commerce Commission, Office of Proceedings, Room 5340, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275-7693, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Under the provisions of 49 U.S.C. 10706 (formerly section 5a of the Interstate Commerce Act), motor common carriers providing transportation or service subject to this Commission's jurisdiction may enter into agreements with one or more such carriers concerning rates and related rules and procedures for joint consideration and establishment of rates. Such agreements may then be submitted to the Commission for approval.

Approval will be granted only if the Commission finds that the agreements meet the requirements of section 10706 and are not inconsistent with the transportation policy set forth at 49 U.S.C. 10101. The Commission may also impose reasonable conditions in connection with any approval. Activities conducted under approved ratemaking agreements are immunized from liability under the antitrust statutes.

MAC seeks approval of proposed amendments to its existing agreement under which its operations would be consolidated with those of NEB. This consolidation and the petition filed with this Commission have been approved by both MAC and NEB pursuant to their respective by-laws. The proposed amendments cover the structure and operating procedures of the consolidated organization. MAC requests expedited action on the petition.

Petitioner states that approval of the proposed amendments will allow more efficient ratemaking in the New England Territory. It believes the result will be better service to both shippers and carriers at less cost. In support of this belief, it refers to a study by Touche Ross & Company which concluded that consolidation would have reduced the two bureaus' combined expenses by 17 percent if it had been in effect in 1979. MAC asserts that regional interests will be protected by full representation of New England carriers on the Board of Directors and maintenance of a district office in the Boston, MA, area. Petitioner further states that current NEB members will benefit from access to its superior data processing capabilities. MAC thus believes that approval of the proposal should be granted.

Section 14 of the Motor Carrier Act of 1980, Pub. L. No. 96-296, imposes a number of new requirements and standards on motor carrier rate bureaus as a condition to their continued immunity from the antitrust laws. The amendments proposed here do not address these new requirements. Petitioner states that amendments designed to comply with the new statutory standards will be submitted in a subsequent filing.

Interested parties are invited to comment. While we do not believe that this decision will significantly affect either the quality of the human environment or conservation of energy resources, comments on this issue are also welcome

Notice to the general public of this proceeding will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

(49 U.S.C. 10321, 10706, 5 U.S.C. 554)

Decided: September 25, 1980.

By the Commission, Richard B. Felder, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30612 Filed 10-1-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

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(1) 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 October 2, 1980.*

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 such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

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.

Volume No. 345

Decided: September 26, 1980.

By the Commission, Review Board Number 3, members Parker, Foutier, and Hill.

MC 35628 (Sub-433F), filed May 14, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 110 Ionia Avenue, NW., P.O. Box 175, Grand Rapids, Michigan 49501. Representative: Michael P. Zell (same address as above). Transporting *general commodities* (except those of unusual value, classes A & B explosives, houshold goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Huntsville, AL, as an off-route point in connection with carrier's existing regular-route operations. Applicant intends to tack the authority sought at Birmingham and Decatur, AL.

MC 56679 (Sub-165F), filed May 13, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW, Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. Transporting *cheese and cheese foods,* from the facilities of Pace Dairy Foods at or near Rochester, MN, to points in GA, WV, OH, IL, TX, MI, IN, AR, KY, TN, VA, and MO.

MC 141269 (Sub-4F), filed April 3, 1980, previously noticed in FR issue of July 10, 1980. Applicant: CHAS. R. MORGAN, INC., 18574 South Highway 99E, Oregon City, OR 97045. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201. *Contract carrier,* transporting (1) *malt beverages,* in containers, from the facilities of Jos. Schlitz Brewing Co., at or near Los Angeles, CA, and Anheuser-

Busch, Inc., at or near Los Angeles, and Fairfield, CA, to the facilities of Portland Distributing Company, at or near Portland, OR, and (2) *bottles*, from Portland, OR, to Winters, CA, under continuning contract(s) with Portland Distributing Company.

Note.—This republication adds part (2).

MC 142268 (Sub-43F), filed June 19, 1980. Applicant: GORSKI BULK TRANSPORT, INC., 843 Central Avenue, Windsor, Ontario N8Y 4S2. Representative: William H. Shawn, Suite 501, 1730 M Street, N.W., Washington, DC 20036. Transporting *beverages*, (1) between Bardstown, KY on the one hand, and, on the other, Fort Smith, AR, Plainfield, IL, New Orleans, LA, Detroit, MI, Scobeyville, NJ, and Burlingame, CA, (2) between the ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, Fort Smith, AR, Plainfield, IL, Bardstown, KY, and New Orleans, LA, (3) between Silverton, OH, on the one hand, and, on the other, Fort Smith, AR, Plainfield, IL, Bardstown, KY, New Orleans, LA, and Scobeyville, NJ, (4) between the ports of entry on the international boundary line between the U.S. and the Republic of Mexico at points in TX, on the one hand, and, on the other, Fort Smith, AR, (5) between the ports of entry at points in NY, PA, NJ, MD, FL, AL, LA, on the one hand, and, on the other, Fort Smith, AR, Silverton, OH, Plainfield, IL, Bardstown, KY, and Scobeyville, NJ, (6) between Roberta, GA, Auburndale and Lake Alfred, FL, on the one hand, and, on the other, Fort Smith, AR, and (7) between points in CA on the one hand, and, on the other, Fort Smith, AR, Plainfield, IL, New Orleans, LA, and Bardstown, KY, restricted in (1), (2), (3), (4), (5), and (6) to traffic originating at or destined to the facilities used by Hiram Walker & Sons, Inc.

MC 146669 (Sub-4F), filed April 17, 1980, previously noticed in FR issue of July 10, 1980. Applicant: McDOUGALD OIL CO., INC., 459 Nichols Lane, P.O. Box 309, Moab, UT 84532. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. *Contract carrier*, transporting *petroleum and petroleum products* (in bulk), between points in San Juan County, UT, Dolores and Montezuma Counties, CO, and San Juan County, NM, under continuing contract(s) with Plateau, Inc., of Albuquerque, NM.

Note.—This republication show the complete territorial description.

Volume No. 346

Decided September 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 110878 (Sub-45F), filed June 16, 1980 previously noticed in FR issue of July 31, 1980. Applicant: ARGO TRUCKING COMPANY, INC., P.O. Box 955, Elberton, GA 30635. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *salt and salt products* (except in bulk), and (2) *materials, equipment and supplies* (except in bulk) *used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply houses, in mixed shipments with salt and salt products*, (a) from Grand Saline, TX to points in AL, AR, FL, GA, KS, LA, MO, MS, NM, OK, SC, and TN, and (b) from Weeks, LA to points in AL, AR, FL, GA, MO, MS, NC, OK, SC, TN, and TX.

Note.—The purpose of this republication is to correct the commodity description.

MC 125368 (Sub-71F), filed June 13, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland Lowell, Sixth Floor, United American Bank Building, Nashville, TN 37219. Transporting (1) *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and (2) *supplies* used in the manufacture of meat products, from the facilities of Dubuque Packing Company at or near LeMars, IA, to points in CT, DE, FL, GA, IL, IN, KY, LA, ME, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC.

MC 149498 (Sub-3F), filed May 30, 1980. Applicant: RIVER BEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of furniture, furniture materials, furniture accessories, plastic articles, and carpet underlay (except commodities in bulk), between Tupelo, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150368 (Sub-1F), filed May 29, 1980. Applicant: BURKLAND TRANSPORTATION, INC., Route 1, Vulcan, MI 49892. Representative: Nancy J. Johnson, 103 East Washington Street, Box 218, Crandon, WI 54520. Transporting (1) *cheese, cheese products, and butter, and* (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Frigo Foods, Inc.

Volume No. 347

Decided: September 26, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 125708 (Sub-202F), filed June 11, 1980, previously noticed in FR issue of July 10, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, P.O. Box 5212, Lake Station, IN 46405. Representative: J. W. Klostermann, 109 Welma, South Roxana, IL 62087. Transporting *structural steel*, from Nashville and Kinston Springs, TN to points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to show the correct territorial description.

MC 126899 (Sub-128F), filed June 11, 1979, previously noticed in FR issue of January 15, 1980. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting *petroleum and petroleum products*, from Cape Girardeau, Scott City, and Caruthersville, MO, to those points in KY and TN on and west of Interstate Hwy 65, and those in IL on and south of Interstate Hwy 70.

Note.—This republication corrects the territorial description of the original publication.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30609 Filed 10-1-80; 8:45 am]

BILLING CODE 7035-01-M

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 those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before November 17, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–057

Decided: September 26, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Hill not participating.

MC 682 (Sub-20F), filed September 22, 1980. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave. NW., Suite 1200, 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.

MC 149542F, filed September 15, 1980. Applicant: AMERICAN PRIORITY ENTERPRISES, INC., 408 E. Elizabeth Ave., Linden, NJ 07601. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no package exceeds 100 pounds, between points in the U.S.

MC 151703 (Sub-1F), filed September 18, 1980. Applicant: NORSUB, INC., R.D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. 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 151872F, filed September 12, 1980. Applicant: HARRY E. MITCHEM, Gwynn, VA 23066. 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 151882F, filed September 15, 1980. Applicant: HAYWARD L. ELLIOTT, d.b.a. ELLIOTT'S TRUCKING CO., 3470 Elder Cove, Memphis, TN 38109. Representative: Hayward L. Elliott (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 151912F, filed September 18, 1980. Applicant: WARWICK COMPANY, INC., 122 Union Mill Rd., Mount Laurel, NJ 08054. Representative: Lawrence E. Lindeman, 425–13th St. NW., Suite 1032, Washington, DC 20004. Transporting *shipments weight 100 pounds or less* if transported in a motor vehicle in which no package exceeds 100 pounds, between points in the U.S.

Volume No. OP5–022

Decided: September 22, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 106509 (Sub-26F), filed September 12, 1980. Applicant: YOUNGER TRANSPORTATION, INC., 490 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001. 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 110288 (Sub-19F), filed September 15, 1980. Applicant: HARRY HENERY, INC., 3517 W. Washington Street, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities,* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 118318 (Sub-55F), filed September 12, 1980. Applicant: IDA–CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. 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. NOTE: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 144129 (Sub-2F), filed September 12, 1980. Applicant: QUICKWAY EXPRESS, INC., RD 2, Box 232, Tunhannock, PA 18657. Representative: David Earl Tinker, 1000 Connecticut Ave, NW., Suite 1200, Washington, DC 20036. 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 145738 (Sub-20F), filed September 16, 1980. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 607, Highway 45 South, Selmer, TN 38375. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146448 (Sub-22F), filed September 15, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081.

Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Bldg., McLean, VA 22101. 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 148788 (Sub-3F), filed September 11, 1980. Applicant: PORT CARRIERS, INC., P.O. Box 26344, Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. 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 151759F, filed September 12, 1980. Applicant: BULKWAY TRANSPORT CORPORATION, 305 Central Ave., Kearney, NJ 07032. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. 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 151828F, filed September 11, 1980. Applicant: BLAZE MESSENGER SERVICE, INC., 1213 Teaneck Rd., Teaneck, NJ 07666. Representative: Morton E. Kiel, 2 World Trade Center, Suite 1832, New York, NY 10048. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151829F, filed September 10, 1980. Applicant: MAGNUM, INC., 334 North Main St., North Salem, NH 03073. Representative: Barry Weintraub, Suite 800, Suite 8133, Leesburg Pike, Vienna, VA 22180. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30610 Filed 10-1-80; 8:45 am]

BILLING CODE 7035-01-M

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 any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before November 17, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-056

Decided: September 25, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Hill not participating.

FF 302 (Sub-3F), filed September 18, 1980. Applicant: ALLTRANSPORT, INCORPORATED, 17 Battery Place North, New York, NY 10004. Representative: Harold E. Mesirow, 1333 New Hampshire Ave., NW., Washington, DC 20036. As a *freight forwarder*, in interstate commerce, through the use of rail and motor carriers transporting *general commodities* (except household goods as defined by the Commission, unaccompanied baggage and motor vehicles), between points in IL, IN, OH, WI, MI, MN, and MO, on the one hand, and, on the other, Baltimore, MD, New York, NY, San Francisco, Oakland and Los Angeles, CA, Seattle, WA, and New Orleans, LA, restricted to import-export traffic only.

MC 16513 (Sub-19F), filed September 18, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Jeffrey A. Vogelman, suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *copper articles*, between points in New London County, CT, on the one hand, and, on the other, points in

MC 84212 (Sub-39F), filed September 5, 1980. Applicant: DORN'S TRANSPORTATION, INC., Railroad Ave. Extension, Albany, NY 12205. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001. Transporting (I) over regular routes, *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), (1) between Alexandria, VA, and Newburyport, MA, over U.S. Hwy 1; (2) between Alexandria, VA, and Boston, MA, over Interstate Hwy 95; (3) between junction U.S. Hwys 1 and 5, at New Haven, CT, and Greenfield, MA, over U.S. Hwy 5; (4) between junction Interstate Hwys 91 and 95, and, Greenfield, MA, over Interstate Hwy 91; (5) between junction U.S. Hwys 1 and 7, at Norwalk, CT, and Williamstown, MA, over U.S. Hwy 7; (6) between Hartford, CT and Boston, MA: from Hartford over CT Hwy 15 to the CT-MA State line, then over MA Hwy 15 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Boston, and return over the same route; (7) between junction MA Hwy 15 and U.S. Hwy 20, and, Boston, MA, over U.S. Hwy 20; (8) between junction Interstate Hwys 495 and 90, and, Lowell, MA, over Interstate Hwy 495; (9) between Boston and Lawrence, MA, over Interstate Hwy 93; (10) between Niantic, CT, and, junction U.S. Hwy 6 and Interstate Hwy 95: from Niantic over CT Hwy 52 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction

Interstate Hwy 95, and return over the same route; (11) between junction U.S. Hwy 6 and Interstate Hwy 295, and, junction Interstate Hwys 95 and 295, over Interstate Hwy 295; (12) between junction Interstate Hwy 90 and MA Hwy 146, at or near Millbury, MA, and, Providence, RI: from junction Interstate Hwy 90 and MA Hwy 146, over MA Hwy 146 to the MA–RI State line, then over RI Hwy 146 to Providence, and return over the same route; (13) between Middletown, NY, and junction Interstate Hwys 86 and 90, at or near Sturbridge, MA: from Middletown over Interstate Hwy 84 to junction Interstate Hwy 86, at or near Hartford, CT, then over Interstate Hwy 86 to junction Interstate Hwy 90, and return over the same route; (14) between Albany, NY, and Boston, MA, over U.S. Hwy 20; (15) between Albany, NY, and, junction Interstate Hwys 87 and 90, over Interstate Hwy 87; (16) between Champlain and New York, NY, over (a) U.S. Hwy 9, and (b) Interstate Hwy 87; (17) between junction Interstate Hwys 87 and 90, and New York, NY, over Interstate Hwy 87; (18) between Champlain and Syracuse, NY, over U.S. Hwy 11; (19) between Plattsburgh and Utica, NY: from Plattsburgh over NY Hwy 3 to junction NY Hwy 12, at or near Watertown, NY, then over NY Hwy 12 to Utica, and return over the same route; (20) between Utica and Ticonderoga, NY: from Utica over NY Hwy 8 to junction NY Hwy 9N, then over NY Hwy 9N to Ticonderoga, and return over the same route; (21) between Utica and Binghamton, NY, over NY Hwy 12; (22) between Albany and New York, NY: (a) from Albany over U.S. Hwy 9W to Fort Lee, NJ, then over the George Washington Bridge to New York, and return over the same route, and (b) from Albany over Interstate Hwy 87 to junction NY Hwy 17, then over NY Hwy 17 to the NY–NJ State line, then over NJ Hwy 17 to junction NJ Hwy 3, then over NJ Hwy 3 to junction Interstate Hwy 495, then over Interstate Hwy 495 to New York, and return over the same route; (23) between Painted Post and Rochester, NY: from Painted Post over NY Hwy 17 to junction Interstate Hwy 390, then over Interstate Hwy 390 to junction NY Hwy 15, then over NY Hwy 15 to Rochester, and return over the same route; (24) between Binghamton and Watertown, NY, over Interstate Hwy 81; (25) between Binghamton and Albany, NY: from Binghamton over NY Hwy 7 to Schenectady, NY, then over NY Hwy 5 to Albany, and return over the same route; (26) between Buffalo, NY, and, junction NJ Hwys 3 and 17, at or near Lyndhurst, NJ: from Buffalo over U.S. Hwy 62 to junction NY Hwy 391, then over NY Hwy 391 to junction U.S. Hwy 219, then over U.S. Hwy 219 to junction NY Hwy 17 at Salamanca, NY, then over NY Hwy 17 to the NY–NJ State line, then over NJ Hwy 17 to junction NJ Hwy 4, then over NJ Hwy 4 to Paterson, NJ, then over NJ Hwy 20 to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction NJ Hwy 3, then over NJ Hwy 3 to junction NJ Hwy 17, and return over the same route; (27) between junction NY Hwys 17 and 305, at or near Cuba, NY, and, Philadelphia, PA: from junction NY Hwys 17 and 305 over NY Hwy 305 to the NY–PA State line, then over PA Hwy 446 to junction PA Hwy 46, then over PA. Hwy 46 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Mansfield, PA, then over U.S. Hwy 15 to Williamsport, PA, then over U.S. Hwy 220 to junction PA Hwy 147, then over PA Hwy 147 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Harrisburg, PA, then over PA Hwy 230 to junction PA Hwy 283, then over PA Hwy 283 to Lancaster, PA, then over U.S. Hwy 30 to junction Business Route U.S. Hwy 30, then over Business Route U.S. Hwy 30 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Philadelphia, and return over the same route; (28) between junction U.S. Hwy 219 and NY Hwy 17, and, Philadelphia, PA: from junction U.S. 219 and NY Hwy 17 over U.S. Hwy 219 to junction U.S. Hwy 322, then over U.S Hwy 322 to junction PA Hwy 153, then over PA Hwy 153 to junction PA Hwy 53, then over PA Hwy 53 to junction PA Hwy 144, then over PA Hwy 144 to Potters Mills, PA, then over U.S. Hwy 322 to Harrisburg, PA, then over U.S. Hwy 422 to Phildelphia, and return over the same route, serving Bigler, PA, as an off-route point; (29) between Mansfield, PA and junction NY Hwy 17 and U.S. Hwy 15, over U.S. Hwy 15; (30) between Buffalo, NY, and, junction NY Hwy 353 and U.S. Hwy 219 at Salamanca, NY: from Buffalo over NY Hwy 5 to Athol Springs, NY, then over NY Hwy 75 to Hamburg, NY, then over U.S. Hwy 62 to junction NY Hwy 353, then over NY Hwy 353 to Salamanca, and return over the same route; serving Derrick City and Rew City, PA, as off-route points, (31) between Buffalo and Hamburg, NY, over U.S. Hwy 62; (32) between junction U.S. Hwy 219 and NY Hwy 98, at or near Great Valley, NY, and, Frankinville, NY: from junction U.S. Hwy 219 and NY Hwy 98 over NY Hwy 98 to Cadiz, NY, then over NY Hwy 16 to Franklinville, and return over the same route; (33) between Buffalo and Albany, NY over (a) Interstate Hwy 90, (b) NY Hwy 5, and (c) U.S. Hwy 20; (34) between Buffalo and Niagara Falls, NY, over Interstate Hwy 190; (35) between Rochester, NY, and, junction Interstate Hwys 90 and 490, over Interstate Hwy 490; (36) between Rochester and Niagara Falls, NY, over NY Hwy 104, (37) in connection with routes (1) through (36) above, serving all intermediate points; (38) in connection with routes (1) through (5) and (13) through (36) above, serving all points in NY as off-route points; (39) in connnection with routes (1) through (5), and (12) above, serving all points in RI as off-route points; (40) in connection with routes (1) through (8), (10), (11), and (13) above, serving all points in CT as off-route points; (41) in connection with routes (1) through (15) above, serving all points in MA as off-route points; (42) in connection with routes (3) through (5), (22), and (26) above, serving points in Bergen, Burlington, Cambden, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Salem, Somerset, Union, and Sussex Counties, NJ as off-route points; (43) in connection with routes (1) and (2) above, serving points in Anne Arundel, Baltimore, Cecil, Harford, Howard, Montgomery, and Prince Georges Counties, MD as off-route points; (44) in connection with routes (1), (2), and (27) through (30) above, serving points in Berks, Bucks, Delaware, Dauphin, Montogmery, Lancaster, and Lebanon Counties, PA as off-route points; (45) in connection with route (2) above, serving points in New Castle County, DE as off-route points; (46) in connection with routes (1) and (2) above, serving points in Fairfax County, VA as off-routespoints; (47) between Dubois, PA and junction Interstate Hwy 95 at Ridgefiled Park, NJ: from Dubois over U.S Hwy 119 to junction Interstate Hwy 80, then over Intestate Hwy 80 to junction Interstate Hwys 95 at Ridgefield Park, and return over the same route; (48) between Binghamton, NY and Baltimore, MD: from Binghamton over Interstate Hwy 81 to Harrisburg, PA, then over Interstate Hwy 83 to Baltimore, and return over the same route; (49) between Harrisburg, PA and Newark, NJ: from Harrisburg over U.S. Hwy 22 to junction Interstate Hwy 78, then over Interstate Hwy 78 to Newark, and return over the same route; (50) between Philadelphia, PA and Binghamton, NY: from Philadelphia over the northeast extension of the Pennsylvania Turnpike to Scranton, PA, then over Interstate Hwys 81 to Binghamton, and return over the same route; (51) between Mansfield, PA and Middletown, NY: from Mansfield over U.S. Hwy 6 to Scranton, PA, then over Interstate Hwy 84 to Middletown, and

return over the same route; and (52) serving routes (47) through (51) above as alternate routes for operating convenience only; (II) over irregular routes, *Household goods and new folding furniture*, between points in Saratoga, Warren, and Washington Counties, NY, on the one hand, and, on the other, points in PA, MA, CT, RI, NJ, NY, and VT. Condition: Applicant requests, in writing, coincidental cancellation of its existing outstanding authority upon issuance of a certificate in this proceeding.

Note.—Applicant states (A) it intends to tack the authority herein, and (B) the purpose of the application is to consolidate its operating authority, to eliminate unnecessary operating rights, to authorize applicant to operate over regular routes servig numerous off-route points, and to enable applicant to serve intermediate points on its regular routes.

MC 103993 (Sub-1062F), filed September 19, 1980. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *automobiles* (1) in truckaway service, between points in the U.S. (including AK, but excluding HI); (2) in secondary movements, in driveaway service, between Bakersfield, Edgemont, Hemet, Lindsay, Ontario, and Riverside, CA; Colorado Springs, CO; Ormond Beach, FL; Ellaville, Thomasville, and Waycross, GA; Boise and Payette, ID; Macomb, IL; Bremen, Decatur, Elkhart, Millersburg, Nappanee, and New Paris, IN; Mason City, IA; Arkansas City, KS; Southbridge, MA; Benton Harbor and Imlay City, MI; Winona, MN; York, NE; Canastota, NY; Kent, OH; McMinnville, OR; Carbondale and Paxinos, PA; New Tazewell and Shelbyville, TN; Fort Worth, McKinney and Van Alstyne, TX; Brigham City, UT; Sunnyside, WA; Spencer, WI; and the facilities of (a) Recreational Enterprises, Inc., at or near Gainesville, FL, (b) Georgie Boy Manufacturing Company, Inc., at or near Edwardsburg, MI, (c) Tileist Motor Homes, Inc., at or near Union, MI, and (d) Travel Equipment Corporation at or near Howe, IN, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI); and (3) in driveaway service, from Elkhart, Goshen, Middlebury, Nappanee, and Wakarusa, IN, to points in the U.S. (including AK, but excluding HI and IN).

Note.—The purpose of this application is to conform applicant's existing authorities in No. MC–103993 (Sub-Nos. 524, 742, and 903), as dictated by the decision of the Commission in No. MC–C–10251, *Interpretation of Commodity Descriptions—Motor Vehicles Descriptions*, decided May 11, 1979, in that the "recreational vehicles" in question, previously shipped under these authorities, were actually automobiles, and that the broad commodity description "automobile" should be used.

MC 103993 (Sub-1063F), filed September 22, 1980. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *insulation board and roofing materials*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 103993 (Sub-1065F), filed September 22, 1980. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West Elkhart, IN 46515. Representative: James B. Buda (address same as applicant). Transporting *transformers and parts and accessories for transformers, regulators and parts* for regulators, between points in Muskingum County, OH, on the one hand, and, on the other, points in the U.S (except AK and HI).

MC 103993 (Sub-1066F), filed September 22, 1980. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *iron and steel articles*, between points in Stark County, OH, on the one hand, and, on the other, points in MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA.

MC 107162 (Sub-74F), filed September 17, 1980. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. Transporting *Compressed sawdust logs*, from Chicago, IL, Minneapolis, MN, and Shawano, WI, to points in AR, CO, IL, IA, KS, MI, MN, MO, MT, NE, ND, OK, SD, TN, WI and WY.

MC 111812 (Sub-736F), filed September 22, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) *cleaning compounds and toilet preparations* (except commodities in bulk), and (2) *Materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., restricted to traffic originating at or destined to the facilities used by Minnetonka, Inc.

MC 123293 (Sub-12F), filed September 18, 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. Transporting *coal, between points in the* U.S. under a continuing contract(s) with Martin Marietta Corporation, of Bethesda, MD.

MC 126402 (Sub-19F), filed September 19, 1980. Applicant: JACK WALKER TRUCKING SERVICE, INC., 1506 Fort Sumpter Court, Lexington, KY 40505. Representative: William L. Willis, 708 McClure Bldg., Frankfort, KY 40601. Transporting *malt beverages*, from Detroit, MI, Perrysburg, OH, and Lexington, KY, to points in GA, NC, and TN.

MC 126822 (Sub-104F), filed September 19, 1980. Applicant: WESTPORT TRUCKING COMPANY, a corporation. 15580 South 169 Hwy., Olathe, KS 66061. Representative: John T. Pruitt (same as address applicant). Transporting *(1) paper and paper products, (2) plastics and plastic articles, (3) woodpulp, and (4) materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3) above, between points in the U.S.

MC 128273 (Sub-403F), filed September 22, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *foods*, between Collinsville, IL, and points in LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128273 (Sub-404F), filed September 22, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *general commodities*, between points in Newton County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI. Condition: To the extent any certificate issued in this proceeding 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 128343 (Sub-59F), filed September 12, 1980. Applicant: C-LINE, INC., 340 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 17730 M St. NW., Suite 501, Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with C—Line Forwarding, Inc., of Warwick, RI.

MC 128343 (Sub-61F), filed September 18, 1980. Applicant: C-LINE, INC., Tourtellot Hill Rd., Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M St., NW., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Leon's TBA Warehouse, Inc., of Cranston, RI.

MC 131022F, filed September 12, 1980. Applicant: JACKSON TOUR & TRAVEL, INC., 2648 Ridgewood Rd., Suite C, Jackson, MS 39211. Representative: Jerry H. Blount, 213 South Lamar St., Suite 200, Jackson, MS 39201. As a *broker*, at Jackson, MS, to arrange for the transportation of *passengers and their baggage*, between points in MS, on the one hand, and, on the other, points in the U.S. (including AK and HI).

MC 141532 (Sub-99F), filed September 18, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104. Transporting (1) *lumber or wood products* (except furniture) (2) *rubber and plastic products*, (3) *clay, concrete, glass and stone products* (4) *primary metal products, including galvanized*, except coating or other allied processing, (5) *fabricated metal products;* except ordnance, and (6) *machinery*, (except electrical) as described in Items 24, 30, 32, 33, 34, and 35 respectively, of the Standard Transportation Commodity Code Tariff, (A) between points in UT, on the one hand, and, on the other, points in WA, OR, CA, CO, ID, MT, UT, AZ, NV, NM, and WY (B) between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S. and (C) between points in WA, OR, CA, CO, ID, MT, UT, AZ, NV, NM and WY.

MC 145592 (Sub-1F), filed September 17, 1980. Applicant: COIL METAL TRUCKING CO., a Corporation, 15 Van Dyke Ave., New Brunswick, NJ 08902. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *metal and metal products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with (a) Coil Metal Sales Corp, and (b) Coilmet Corporation, both of New Brunswick, NJ.

MC 146293 (Sub-66F), filed September 15, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *such commodities* as are dealth in by manufacturers and distributors of materials handling equipment and storage equipment, between points in the U.S.

MC 146643 (Sub-55F), filed September 18, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60628. Transporting (1) *food or kindred products*, as described in Item 20 of the Standard Transportation Commodity Code Tariff and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Ripon Foods, Inc., of Ripon, WI.

MC 147993 (Sub-4F), filed September 18, 1980. Applicant: C. H. MASLAND & SONS, a Corporation, 50 Spring Rd., Box 40, Carlisle, PA 17013. Representative: J. Roger Gratz (same address as applicant). Transporting *motor vehicle parts and motor vehicle accessories* used in the manufacturing of cars, trucks and trailers, between points in the U.S., under continuing contract(s) with Chrysler Corp., of Detroit, MI.

MC 149013 (Sub-2F), filed September 22, 1980. Applicant: ANTHONY J. CABRAL d.b.a. A.J. CABRAL TRUCKING, 488 Mohegan Ave., Quaker Hill, CT 06375. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *silica sand and silica products*, from points in CT, to points in ME, NH, VT, MA, RI, NY, NJ, PA, OH, IL, MI, IN, MD, DE, and VA.

MC 150192 (Sub-1F), filed September 19, 1980. Applicant: D.T. WHITEHURST, Route No. 6, Box 207, Elizabeth City, NC 27909. Representative: E. Gregory Stott, P.O. Box 131, Raleigh, NC 27602. Transporting *animal and poultry feed and feed ingredients*, between points in the U.S., under continuing contract(s) with Tyson Carolina, Inc., of Creswell, NC.

MC 150783 (Sub-1F), filed September 19, 1980. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (Address same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Wal-Mart Stores, Inc.

MC–150852 (Sub-1F), filed September 18, 1980. Applicant: SKYLINE TRANSPORT, INC., 1469 West 6720 South, West Jordan, UT 84084. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Livingston Distributing Co., of Midvale, UT.

MC–151913F, filed September 18, 1980. Applicant: PFAFFENBACH TRUCK LINE, INC., 1415 Seventh Ave North, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near (A) Denison and Ft. Dodge, IA, (B) Dakota City and West Point, NE, and (C) Luverne, MN, to points in KY, OH, IN, MI, IL, MO, KS, WI, NE, MN, SD, ND, and IA, restricted to traffic originating at the named origins and destined to the indicated destinations.

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Decided: September 22, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Libermau.

MC–5649 (Sub-32F), filed September 12, 1980. Applicant: KULP & GORDON, INC., Pothouse Rd., P.O. Box 628, Phoenixville, PA 19460. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Chester County, PA, on the one hand, on the other, points in CT, DE, MA, MD, NJ, NY, RI, VA, VT, WV, and DC.

MC–28579 (Sub-6F), filed September 15, 1980. Applicant: GRIFFITH MOTOR EXPRESS, INC., 1607 S. Rogers St., Bloomington, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Elnora, Bloomfield, Odon, Newberry, Spencer, and

Worthington, IN as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC-31389 (Sub-308F), filed September 15, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First St., Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Green Bay, WI, and Chicago, IL: (a) over U.S. Hwy 41, and (b) from Green Bay over WI Hwy 57 to Chilton, WI, then over U.S. Hwy 51 to junction U.S. Hwy 41, and then over U.S. Hwy 41 to Chicago, and return over the same route; (2) between Manitowoc, WI, and St. Paul, MN, over U.S. Hwy 10; and (3) between Fond du Lac, WI, and Dubuque, IA, over U.S. Hwy 151; serving points in Brown, Calumet, Fond du Lac, WI, Green Lake, Kewaunee, Outagamie, Waupaca, Waushara, and Winnebago Counties, WI, as intermediate and off-route points in connection with routes (1) through (3) above.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 35628 (Sub-436F), filed September 15, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, P.O. Box 175, 110 Ionia Avenue, NW., Grand Rapids, MI 49503. Representative: Michael P. Zell (same as applicant). Transporting *meats, meat products, and meat by-products,* and *articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WI, CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC.

MC 56388 (Sub-41F), filed September 17, 1980. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *sugar,* in bulk, in tank vehicles, from Baltimore, MD to points in VA, WV, PA, NC, OH, KY, and DC.

MC 62538 (Sub-23F), filed September 16, 1980. Applicant: ASHTON TRUCKING CO., 1245 North Highway 285, Monte Vista, CO 81144. Representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, CO 80264. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in the U.S. under continuing contract(s) with Peavey Company of Minneapolis, MN.

MC 71478 (Sub-50F), filed September 12, 1980. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard Avenue, Tulsa, OK 74115. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in IL, IN, KY, KS, MO, NY, OH, OK, WV and those points in PA on and west of Interstate Hwy 79.

MC 82079 (Sub-88F), filed September 16, 1980. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue, SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, (a) between points in MI, on the one hand, and, on the other, points in KY, IL, IN, OH, and WI, and (b) between points in MI.

MC 88368 (Sub-47F), filed September 16, 1980. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Transporting (1) *painting equipment and fixtures, and finishing equipment, fixtures, and systems,* (2) *material handling equipment and systems,* (3) *parts and accessories* for the commodities in (1) and (2) above, and (4) *materials and supplies* used in connection with the commodities in (1), (2) and (3) above (except commodities in bulk), between points in CA, IL, IN, MN, MO, NV and OH, on the one hand, and, on the other, points in the U.S.

MC 107409 (Sub-38F), filed September 12, 1980. Applicant: RATLIFF & RATLIFF, INC., P.O. Box 1573, Lexington, NC 27292. Representative: Elisabeth A. DeVine, P.O. box 737, Moline, IL 61265. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Ralston Purina Company.

MC 107478 (Sub-75F), filed September 15, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., 1791 Westchester Drive, P.O. Box 2006, High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *malt beverages, and materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, between points in Wayne County, MI, and Wood County, OH, on the one hand, and, on the other, those points in the U.S. in and east of TX, AR, MO, IL, and WI.

MC 108449 (Sub-415F), filed September 16, 1980. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, MN 55113. Representative: W. A. Myllenbeck (same address as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, TX, WV, WI, and WY.

MC 109818 (Sub-89F), filed September 16, 1980. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *general commodities* (except commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of Con Agra, Inc. Condition: Any certificate issued in this proceeding, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring five years from its date of issuance.

MC 113158 (Sub-46F), filed September 16, 1980. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *foodstuffs* (except frozen foods and commodities in bulk), from points in Kent County, DE, and Harford County, MD, to points in DE, MD, NJ, NY, and PA.

MC 113678 (Sub-894F), filed September 12, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S.

MC 117589 (Sub-74F), filed September 16, 1980. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave., South, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *meats, meat products and meat*

byproducts, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between points in NE, on the one hand, and, on the other, points in WA, OR, ID, UT, and MT.

MC 119789 (Sub-F), filed September 5, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), (1) from Dallas, TX, to points in CA, CO, FL, GA, KS, OH, TX, and TN, and (2) from Springfield, MO, to points in CA, CO, FL, GA, KS, TX and TN.

MC 119789 (Sub-714F), filed September 11, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities used by E. R. Squibb & Sons, Inc. Condition: Prior or coincidental cancellation, at applicant's written request, of its Certificate No. MC–119789 Sub 501F.

MC 119968 (Sub-20F), filed September 11, 1980. Applicant: A. J. WEIGAND, JR., 1046 N. Tuscarawas Ave., P.O. Box 130, Dover, OH 44622. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *chemicals,* in bulk, in tank vehicles, from the facilities of Calgon Corporation at or near Elwood City and Frisco, PA, to points in AR, IA, MN, MO, TN, WI, and the Upper Peninusla of MI.

MC 121469 (Sub-2F), filed September 16, 1980. Applicant: A & D FREIGHT LINES, INC., 319–A Andover, Wilmington, MA 01887. Representative: Salvatore P. D'Allessandro (same as applicant). Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in MA and NH.

MC 121568 (Sub-43F), filed July 21, 1980 initially published in the F.R. on August 13, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis TN, and Texarkana, TX: from Memphis over Interstate Hwy 40 to junction Interstate Hwy 30, then over Interstate Hwy 30 to Texarkana, and return over the same route serving all intermediate points, (2) between Memphis, TN, and Jonesboro, AR, over U.S. Hwy 63, serving all intermediate points; and (3) serving those points in AR on, west, and north of U.S. Hwy 79. This application is republished to show an accurate territorial description in part (3).

MC 121568 (Sub-53F), filed September 16, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). Transporting (1) *plastic articles, folding doors, window shades, and parts* for window shades, and (2) *materials and equipment* used in the manufacture of the commodities in (1) above, between Covington and Memphis, TN, 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 of Clopay Corp.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 124809 (Sub-3F), filed September 15, 1980. Applicant: WAEHLER TRUCKING SERVICE, INC., Route 1, Box 65, Lomira, WI 53048. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *such commodities* as are dealt in by building materials retailers, between points in the U.S., under continuing contract(s) with Kindt Corporation of Lomira, WI.

MC 125708 (Sub-204F), filed September 12, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, P.O. Box 5216, Lake Station, IN 46405. Representative: J. H. Klostermann, 109 Velma, South Roxana, IL 62087. Transporting *refractories,* from High Hill, MO, to points in IL, MI, OH, PA.

MC 125708 (Sub-205F), filed September 12, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, P.O. Box 5216, Lake Station, IN 46405. Representative: J. H. Klostermann, 109 Velma, South Roxana, IL 62087. Transporting *aluminum ingots and zinc ingots,* between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128648 (Sub-29F), filed September 15, 1980. Applicant: TRANS-UNITED, INC., 425 West 152 Street, P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers of steel tubing and wrought iron pipe, between points in the U.S., under continuing contract(s) with Unarco-Leavitt Division of UNL Industries, of Chicago, IL.

MC 131018F, filed September 10, 1980. Applicant: TRAVEL SERVICES INTERNATIONAL, INC. d.b.a. CHERI TOURS, One Court Square, Suite 104, Montgomery, AL 36104. Representative: AL J. Sansone, 350 Adams Ave., Montgomery, AL 36104. To engage in operations as a *broker,* at Montgomery, AL, in arranging for the transportation of *passengers and their baggage,* between points in AL, on the one hand, and, on the other, points in the U.S.

MC 131019F, filed September 9, 1980. Applicant: ALTUS FREIGHT TRAFFIC SERVICE, INC., P.O. Box 357, Gladstone, NJ 07934. Representative: Kenneth A. Olsen (same address as applicant). To arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 138308 (Sub-126F), filed September 12, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *such commodities* as are dealt in or used by discount stores (except commodities in bulk), between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138308 (Sub-127F), filed September 12, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, (same address as applicant). Transporting *such commodities* as are dealt in or used by food business houses (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Topco Associates, Inc., and its members.

MC 139958 (Sub-14F), filed September 15, 1980. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 113 W. Main Street, Frankfort, KY 40601. Transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), between the facilities of Wetterau Foods, Inc., at or near Greenville, KY, on the one hand, and, on the other, points in IN, IL, OH, WV, MI, MO, NJ, MS, TN, GA, NC, LA, AL, SC, VA, PA, AR, TX, NY, MN, and WI. Condition: The person or persons who appear to be engaged in common control of applicant and another

regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 140218 (Sub-3F), filed September 9, 1980. Applicant: THOMPSON, INC., 3904 Broadway, Quincy, IL 62301. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *materials, equipment, and supplies* used in the manufacture, sale, and distribution of (a) beekeepers supplies, (b) candles, (c) wax, and (d) altar supplies, between points in the U.S., under continuing contract(s) with Dadant & Sons, Inc., of Hamilton, IL.

MC 141758 (Sub-6F), filed September 10, 1980. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Hugh M. Joseloff, 80 State St., Hartford, CT 06103. Transporting (1) *paper and paper products, synthetic rubber, rubber products, dry goods and fabrics, plastic and metal balls,* and *protective packaging and containers,* and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1), between points in the U.S., under continuing contract(s) with Lydall Eastern, Inc., of Manchester, CT.

MC 141758 (Sub-8F), filed September 10, 1980. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Hugh M. Joseloff, 80 State St., Hartford, CT 06103. Transporting (1) *synthetic leather and leather products, and dry goods and fabrics,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), between points in the U.S., under continuing contract(s) with Lydall Atlantic, Inc., of Manchester, CT.

MC 141759 (Sub-18F), filed September 15, 1980. Applicant: OHIO PACIFIC EXPRESS, INC., 683 East Broad St., Columbus, OH 43215. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112. Transporting (1) *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S., under continuing contract(s) with The Drakett Products Company of Cincinnati, OH.

MC 141958 (Sub-19F), filed September 12, 1980. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 422, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *paper, paper products, and plastic articles,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S., under continuing contract(s) with Stone Container Corporation, of Chicago, IL.

MC 142559 (Sub-157F), filed September 16, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St, Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building products (except commodities in bulk), between the facilities of Donn Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143379 (Sub-3F), filed September 12, 1980. Applicant: COX TRANSPORT CORPORATION, P.O. Box 61, Centerfield, UT 84622. Representative: Harry D. Puglsey, 1283 East South Temple #501, Salt Lake City, UT 84102. Transporting *cement,* in bulk, between points in CA, NV, UT, and CO, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, NM, UT, and WY.

MC 145108 (Sub-24F), filed September 15, 1980. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Transporting (1) *electric motors,* (2) *controls and accessories* for electric motors, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) between points in the U.S., under continuing contract(s) with Fasco Industries, Inc., of Ozark, MO.

MC 145108 (Sub-25F), filed September 16, 1980. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. Transporting *foodstuffs,* between points in the U.S., under continuing contract(s) with Action Shippers Cooperative, Inc., of Anaheim, CA.

MC 145849 (Sub-4F), filed September 8, 1980. Applicant: CHARLES K. AND JOSEPH E. MONIN, a partnership, d.b.a. MONIN TRUCKING, 300 West John Rowan Blvd., Bardstown, KY 40004. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting (1) *plastic articles and building materials,* and (2) *accessories and supplies* used in the installation of the commodities in (1) (except commodities in bulk), from Bardstown, KY, to points in GA, NC, SC, TN, VA, and WV.

MC 147718 (Sub-1F), filed September 15, 1980. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Dubuque Packing Company of Dubuque, IA.

MC 148298 (Sub-1F), filed September 15, 1980. Applicant: THARP SALES & SERVICE, INC., 1204 Oklahoma Ave., Trenton, MO 64683. Representative: W. R. England, P.O. Box 456, Jefferson City, MO. Transporting *fertilizer and fertilizer ingredients,* from points in Grundy County, MO, to points in IA, NE, and KS.

MC 148328 (Sub-2F), filed September 8, 1980. Applicant: COMMERCIAL BROADLOOMS, INC., Worley Rd. and Arcadia Dr., Greenville, SC 29608. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *testiles textile products,* between points in the U.S. (except AK and HI) under continuing contract(s) with Buck Creek Industries, Inc., of Chattanooga, TN, Texture-Tex, Inc., of Dalton, GA, and Rossville Yarn Processing Corp., of Rossville, GA. Condition: Applicant shall conduct separately its for-hire carriage and other business operations. It shall maintain separate accounts and records for each operations. And it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time.

MC 148428 (Sub-13F), filed September 12, 1980. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *printed matter* and (2) *materials, equipment and supplies* used in the production and distribution of the commodities in (1) above, between points in Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 148428 (Sub-14F), filed September 12, 1980. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55343. Transporting (1) *material handling equipment,* and (2) *parts and accessories,* for the commodities in (1) above, between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 149218 (Sub-8F), filed September 16, 1980. Applicant: SUNBELT EXPRESS,

INC., U.S. Hwy. 78 W., Bremen, GA, 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *filters*, from Henderson, NC, to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, SC, PA, TN, VA, and WV, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of filters, in the reverse direction.

MC 149468F, filed September 10, 1980. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Meijer, Inc., of Grand Rapids, MI.

MC 150039 (Sub-2F), filed September 12, 1980. Applicant: CLEO OWENS, d.b.a. OWENS TRANSPORTATION COMPANY, 6116 Paramount Blvd., Paramount, CA 90723. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *general commodities* (except household goods and classes A and B explosives) between points in the U.S., under continuing contract(s) with Refiners Marketing Company of Terminal Island, CA, and Oh Boy Corporation of San Fernando, Ca.

MC 151208F, filed September 12, 1980. Applicant: D. D. CASKEY, d.b.a. DUTCH'S ENTERPRISES, Route 1, Box 244A, Watts, OK 74964. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting (1) *trailers*, designed to be drawn by passenger automobiles, in initial and secondary movements, and (2) *buildings*, in sections, mounted on wheeled undercarriages, (a) from Grove, OK, to points in MO, AR, NE, and KS, and (b) from points in MN to Grove, OK.

MC 151259F, filed September 12, 1980. Applicant: TRIPLE S HAULING, INC., 4000 I-70 Drive NW., Columbia, MO 65201. Representative: W. R. England, III, P.O. Box 456, Jefferson City, MO 65102. Transporting *cement and flue tile*, between points in the U.S., under continuing contrast(s) with Columbia Ready Mix, Inc., of Columbia, MO.

Note: —The person or person which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 151448F, filed September 15, 1980. Applicant: BERNS TRANSPORTATION, INC., 4585 South Harding St., Indianapolis, IN 46217. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. Transporting (1) *such commodities* as are dealt in by a manufacturer of pharmaceutical, cosmetic, packaging, and agricultural products, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between the facilities used by Eli Lilly and Company in (a) Vermillion, Marion, and Tippecanoe Counties, IN, (b) LaSalle County, IL, and (c) Douglas County, NE, on the one hand, and, on the other, points in IA, IL, MN, ND, NE, and SD.

MC 151698F, filed August 26, 1980. Applicant: ROBERT G. SEXSMITH and ROBERT G. SEXSMITH, JR., a partnership, d.b.a. SEN-JUR SERVICE CO., 13459 Rose, Gibraltar, MI 48173. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, between points in MI, on the one hand, and, on the other, points in IN and OH. Condition: Prior or coincidental cancellation, at applicant's written request, of the permit in MC 142243 Sub. 1.

MC 151768F, filed September 16, 1980. Applicant: ARM TRANSPORTATION CORPORATION, P.O. Box 9480, Amarillo, TX 79105. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Transporting *food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in Lucas and Sandusky Counties, OH, Allegheny County, PA, Muscatine and Johnson Counties, IA, and Ottawa County, MI, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, OK, SC, and TX.

MC 151768 (Sub-1F), filed September 16, 1980. Applicant: ARM TRANSPORTATION CORPORATION, P.O. Box 9480, Amarillo, TX 79105. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting *foodstuffs*, from points in Aroostock and Cumberland Counties, ME, to those points of the U.S. in and east of WI, IA, NE, CO, and NM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30613 Filed 10-1-80; 8:45 am]

BILLING CODE 7035-01-M

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 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 exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human 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. OP1-039

Decided: September 19, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

200 (Sub-494F), filed September 16, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *iron and steel articles*, between points in OH, NY, and PA, restricted to traffic originating at or destined to the facilities used by The Universal Steel Co.

MC 200 (Sub-495F), filed September 16, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Washington, MO, as an off-route point in connection with applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 200 (Sub-496F), filed September 17, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *lumber*, between points in Buchanan County, MO, on the one hand, and, on the other, points in CA, restricted to traffic originating at or destined to the facilities used by Missouri Valley Veneers and Walnut Products, Inc.

MC 2900 (Sub-432F), filed September 12, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32209. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) as described in Item 51 of the Standard Transportation Commodity Code Tariff, (1) between Louisville, KY, and Nashville, TN, over U.S. Hwy 31W; (2) between Flora, IL, and Meridian, MS, from Flora over U.S. Hwy 45 to junction U.S. Hwys 45E and 45W, then over U.S. Hwy 45E (also 45W) to junction U.S. Hwy 45, then over U.S. Hwy 45 to Meridian, and return over the same route; (3) between Sandoval, IL, and Jackson, MS, over U.S. Hwy 51; (4) between Harrison, AR, and Natchez, MS, over U.S. Hwy 65; (5) between Natchitoches, LA, and Laurel, MS, over U.S. Hwy 84; (6) between Cincinnati, OH, and Chattanooga, TN, over U.S. Hwy 127; (7) between Owensboro, KY, and Huntsville, AL, over U.S. Hwy 231; (8) between Jasper, AL, and Hardy, AR, from Jasper over U.S. Hwy 78 to Memphis, TN, then over U.S. Hwy 63 to Hardy, and return over the same route; (9) between Maysville, KY, and Alexandria, LA, from Maysville, over U.S. Hwy 62 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Alexandria, and return over the same route; (10) between Corning, AR, and Tusaloosa, AL, from Corning over U.S. Hwy 67 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Tuscaloosa, and return over the same route; (11) between Shreveport, LA, and Maysville, KY, from Shreveport over U.S. Hwy 79 to junction U.S. Hwy 68, then over U.S. Hwy 68 to Maysville, and return over the same route; and (12) between Louisville, KY, and Baton Rouge, LA, from Louisville over U.S. Hwy 60 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Baton Rouge, and return over the same route, serving all intermediate points in connection with routes (1) through (12) above and points in AL, AR, KY, LA, MS, and TN as off-route points.

Note.—Applicant intends to tack the rights sought to its existing authority.

MC 5470 (Sub-230F), filed September 15, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918—16th St., NW., Washington, DC 20006. Transporting *steel shot*, from Adrian, MI, and Toledo, OH, to Natrium, WV.

MC 6461 (Sub-24F), filed September 15, 1980. Applicant: B-LINE TRANSPORT CO., INC., E. 7100 Broadway, P.O. Box 13368, Spokane, WA 99213. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *building materials*, between points in Multnomah County, OR, on the one hand, and, on the other, points in King and Spokane Counties, WA.

MC 29910 (Sub-287F), filed September 11, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber, P.O. Box 48, Fort Smith, AR 72901. Transporting *aluminum articles*, between points in Berkeley County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 29910 (Sub-289F), filed September 17, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Covington and Social Circle, GA as off-route points in connection with applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack the above requested authority with it's existing regular-route operations.

MC 35320 (Sub-612F), filed September 11, 1980. Applicant: T.I.M.E.—DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Kansas City, MO and Chicago, IL, from Kansas City over Interstate Hwy 35 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction Interstate Hwy 55, (formerly U.S. Hwy 66), then over Interstate Hwy 55 to Chicago and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

Note.—Applicant intends to tack the above requested authority with its existing regular-route operations.

MC 52460 (Sub-288F), filed September 16, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *Petroleum*, in bulk, from Port Arthur, TX, to the facilities of Girsez Oil Co., Inc., at Tulsa, OK.

MC 52460 (Sub-289F), filed September 16, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *fertilizer compounds, insulation, and zinc oxide*, between points in AL, AR, CO, FL, GA, IA, IL, KS, LA, MN, MO, MS, NC, NE, NM, OK, SC, TN, TX, and WI, restricted to traffic originating at the facilities of Eagle-Picher Ind., Inc.

MC 61440 (Sub-199F), filed September 10, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 NW. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except household goods

as defined by the Commission and classes A and B explosives), between the facilities of Western Publishing Company, Inc., in Montgomery County, KS, and Cumberland County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 75830 (Sub-21F), filed September 12, 1980. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, INC., P.O. Box 88, Buckhannon, WV 26201. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Keebler Company, of Elmhurst, IL.

MC 77061 (Sub-35F), filed September 3, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Rd (Box 706), Eugene, OR 97440. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting (1)(a) *commodities*, the transportation of which because of size or weight requires the use of special equipment or special handling, and (b) *parts* for the commodities in (1)(a) above, and (2) *self-propelled vehicles* (except automobiles, trucks, buses, and vehicles moving in drive-away service) between points in OR, WA, CA, ID, UT, NV, and MT.

MC 77061 (Sub-36F), filed September 16, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Road (Box 706), Eugene, OR 97440. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting (1) *plastic pipe and accessories for plastic pipe*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in WA, OR, CA, MT, ID, NV, UT, CO, WY, AZ, and NM.

MC 88380 (Sub-38F), 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 *spent batteries*, between Dallas, TX, on the one hand, and, on the other, points in AZ, AL, AR, CO, KS, GA, LA, MS, MO, NE, NM, OK, and TN.

MC 94201 (Sub-197F), filed September 15, 1980. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), (1) between memphis, TN, and Oklahoma City, OK, (a) over Interstate Hwy 40, and (b) from Memphis over U.S. Hwy 64 to junction U.S. Hwy 266, then over U.S. Hwy 266 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Oklahoma City, and return over the same route; (2) between Memphis, TN, and Wichita, KS, from Memphis over U.S. Hwy 64 to junction U.S. Hwy 177, then over U.S. Hwy 177 to U.S. Hwy 81, then over U.S. Hwy 81 to Wichita, and return over the same route; (3) between Memphis, TN, and San Antonio, TX, from Memphis over U.S. Hwy 70 to Little Rock, AR, then over U.S. Hwy 67 (also Interstate Hwy 30) to Dallas, TX, then over U.S. Hwy 81 (also Interstate Hwy 35) to San Antonio, and return over the same route; (4) between Texarkana and San Antonio, TX, from Texarkana over U.S. Hwy 59 to Houston, then over U.S. Hwy 90 to San Antonio, and return over the same route; and (5) between Oklahoma City, OK, and Dallas, TX, from Oklahoma City over Interstate Hwy 35 to junction Interstate Hwy 35E, then over Interstate Hw 35E (also U.S. Hwy 77) to Dallas, and return over the same route, serving all intermediate points in connection with routes (1) through (5) above.

Note.—Applicant intends to tack the rights sought to its existing authority.

MC 94201 (Sub-198F), filed September 15, 1980. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Chicago, IL and Milwaukee, WI, (a) over Interstate Hwy 94, serving all intermediate points, (b) from Chicago over IL Hwy 42 to junction WI Hwy 32 at the IL-WI State line, then over WI Hwy 32 to Milwaukee, and return over the same route, serving all intermediate points, and (c) over U.S. Hwy 41, serving all intermediate points.

Note.—Applicant intends to tack the above requested authority with its existing regular-route operations.

MC 94201 (Sub-199F), filed September 15, 1980. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), (1) between points in WV, PA, and NY, and (2) between the points named in (1) above, on the one hand, and, on the other, Knoxville, TN, Charlotte, NC, Cincinnati, Columbus, and Akron, OH, Philadelphia, PA, Elizabeth, NJ, Baltimore, MD, Atlanta, GA, Richmond, VA and Louisville, KY.

Note.—Applicant intends to tack the above requested authority with its existing regular-route operations.

MC 97251 (Sub-13F), filed September 15, 1980. Applicant: TURNER TRUCKING COMPANY, INC, 1215 W. Main Street, Lebanon, IN 46052. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Over (A) regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Indianapolis and Lafayette, IN, over Interstate Hwy 65; (2) between Indianapolis and Kokomo, IN, over U.S. Hwy 31; (3) between Lafayette and Kokomo, IN, from Lafayette over IN Hwy 26 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Kokomo, and return over the same route; (4) between Lebanon and Monticello, IN, over IN Hwy 39, and (5) serving all intermediate points and the off-route points of Boone, Carroll, Clinton, Hamilton, Hendricks, Howard, Marion, Tipton, Tippecanoe and White Counties, IN, in connection with routes (1) through (4) above; and (B) irregular routes, transporting *dairy products, frozen confections*, and *beer*, between points in IN.

Note.—Issuance of a certificate in this proceeding shall cancel Certificate of Registration MC 97251 Sub-1, and Certificates Nos. MC 97251 Subs-2 and 3.

MC 110191 (Sub-40F), filed September 15, 1980. Applicant: TURNER'S EXPRESS, INC., P.O. Box 1006, 1300 Shelton Ave., Norfolk, VA 23501. Representative: D. L. Turner (same address as applicant). Transporting *chemicals, and cleaning, scouring, and washing compounds*, (except commodities in bulk), (1) from Newark, NJ, to points in DE, NC, those in MD on and east of Interstate Hwy 81, those on VA on and east of U.S. Hwy 29, and DC, and (2) from points in Mechlenburg and Wake Counties, NC, to those points in VA on and east of U.S. Hwy 29.

MC 112520 (Sub-396F), filed September 11, 1980. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: W. Guy McKenzie, Jr. (same address as applicant). Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Mobile County, AL, to points in MS.

MC 113751 (Sub-37F), filed September 12, 1980. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia St., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting (1) *foundry castings and foundry products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Waupaca and Marinette, WI, on the one hand, and, on the other, points in AL, AR, GA, IA, IL, IN, KY, LA, MN, MO, MS, NC, OH, OK, SC, TN, and TX.

MC 115651 (Sub-92F), filed September 17, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Transporting *petroleum products*, in bulk, in tank vehicles, between (1) points in Scott and Dubuque Counties, IA, on the one hand, and, on the other, points in IL, (2) points in Champaign, Iroquois, and Kankakee Counties, IL, on the one hand, and, on the other, points in IN, and (3) points in LaSalle and Lee Counties, IL, on the one hand, and, on the other, points in IA.

MC 118431 (Sub-36F), filed September 17, 1980. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE.

MC 121811 (Sub-1F), filed September 16, 1980. Applicant: McCLELLAN'S ENTERPRISES, INC., Hwy. 41 South, P.O. Box 1327, Tifton, GA 31794. Representative: Art McClellan (same address as applicant). Transporting *plastic pipe, plastic pipe fittings, irrigation equipment, and water treatment supplies*, points in between Thomas County, GA, on the one hand, and, on the other, points in AL, NC, SC, and TN, and those points in FL on and north of FL Hwy 50.

MC 123200 (Sub-2F), filed September 16, 1980. Applicant: AKRON CARTAGE COMPANY, INC., 790 W. Wilbeth Road, P.O. Box 143, Akron, OH 44309. Representative: David A. Turano, 100 E. Broad Street, Columbus, OH 4. Transporting *meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Akron, OH, on the one hand, and, on the other, points in OH, WV, and those in Allegheny, Beaver, Butler, and Westmoreland Counties, PA, Boone, Boyd, Campbell, Kenton, Pike, and Perry Counties, KY, and Buchanan County, VA.

MC 124170 (Sub-156F), filed September 15, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *bananas*, from Wilmington, CA to points in AZ, AR, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY.

MC 124170 (Sub-157F), filed September 17, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road., Suite 205, Oak Brook, IL 60521. Transporting *bakery products*, from Livonia, MI, to points in AZ, CA, CO, ID, OR, and WA.

MC 126930 (Sub-57F), filed September 3, 1980. Applicant: BRAZOS TRANSPORT CO., 1611 Avenue M, P.O. Box 2746, Lubbock, TX 79401. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) (a) *pressure treated lumber, posts, poles and pilings, lumber products and wood products*, (b) *building materials* (except those in (a) above), and (c) *paper and paper products*, and (2) *materials equipment and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, between points in TX, OK, AZ, AL, IL, IN, IA, KS, MO, MS, NE, TN, UT, OH, MN, WY, MI, KY, FL, MT, SD, WI, LA, AR, CO, GA, ND, and NM. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, or its certificates in MC 126930 Subs-11 and 12.

MC 142080 (Sub-14F), filed September 16, 1980. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *automotive parts and accessories*, between points in the U.S., under continuing contract(s) with Shore Sales Co., Inc., of Beverly, MA.

MC 143471 (Sub-28F), filed September 15, 1980. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W. Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Jim Walter Corporation, of Tampa, FL.

MC 144821 (Sub-10F), filed September 15, 1980. Applicant: FREEDOM FREIGHTWAYS, INC., P.O. Box 5850, St. Louis, MO 63134. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting *petroleum and petroleum products*, in packages, between Whiting, IN, on the one hand, and, on the other, points in PA, NY, MD, OH, and TN.

MC 146071 (Sub-30F), filed September 16, 1980. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *foodstuffs*, and *such commodities* as are dealt in by retail gift and curio shops, and catalog distribution centers, from the facilities of Swiss Colony, Inc., and Swiss Colony Stores, Inc., at Madison, WI, to points in the U.S., and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction.

MC 146890 (Sub-28F), filed September 16, 1980. Applicant: C & E TRANSPORT, INC. d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting (1)(a) *glass containers* and (b) *closures* for glass containers, (2)(a) *metal containers* and (b) *metal container ends*, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between those points in the U.S. in and east of MN, LA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities used by Ball Corporation.

MC 147040 (Sub-3F), filed September 16, 1980. Applicant: EMERSON ELLCESSOR, d.b.a. E. M. TRANSFER CO., Route 9, Box 15, Muncie, IN 47302. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *pulp, paper and allied products* as described in Item 26 of the Standard Transportation Commodity Code Tarrif, between points in Delaware County, IN, on the one hand, and, on the other, points in IL, MO, KY, WI, MI, OH, PA, and WV.

MC 147631 (Sub-2F), filed September 12, 1980. Applicant: FRED L. WILLIAMS, d.b.a. TAOS INTERSTATE EXPRESS P.O. Box 262, Alamosa, CO 81101. Representative: Fred L. Williams (same address as applicant). *Over regular routes,* transporting *general commodities* (expect 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 Fort Garland, CO, and Taos, NM, from Fort Garland over CO Hwy 159 to the CO–NM State Line, then over NM Hwy 3 to Taos, and return over the same route, serving all intermediate points, and the off-route points of San Acacio, Mesita, Chama, San Pablo, and Garcia, CO, and Sunshine Valley, Valdez, Taos Pueblo, Arroyo Seco, Ranches of Taos, and Talpa, NM, (2) between Jarosa, CO, and juction unnumbered County Hwy and NM Hwy 3, over unnumbered County Hwy, serving all intermediate points, (3) between Alamosa, and Fort Garland, CO, over U.S. Hwy 160, serving no intermediate points, and (4) between Alamosa, CO, and junction U.S. Hwy 64 and NM Hwy 3, from Alamosa over U.S. Hwy 285 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction NM Hwy 3, and return over the same route as an alternate route for operating convenience only, serving no intermediate points.

MC 148660 (Sub-1F), filed September 16, 1980. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, Canada L5J 2Y4. Representatives: Wilhelmina Boersam, 1600 First Federal Bldg., Detroit, MI 48226. In foreign commerce only, transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. under continuing contract(s) with Canada Packers Limited, of Toronto, Ontario, Canada.

MC 149091 (Sub-2F), filed September 12, 1980. Applicant: AVERY TRUCKING CO., INC., P.O. Box 426, Dahloeng, GA 30533. Representatives: Thomas D. Rainey (same address as applicant). Transporting (1) *paper article, plastic articles, and horticultural products,* and (2) *materials, equipment, and supplies* use in the manufacture and distribution of the commodities in (1) above, (expect commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Keyes Fibre, of Waterville, ME.

MC 149531F, filed September 9, 1980. Applicant: SULLI-VAN LINES, INC., 43 Cortland Ave., Highland Park, MI 48203. Representatives: Lillian M. Ryan (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between point in IL, MI, NJ, NY, OH, and PA.

MC 150221 (Sub-4F), filed September 10, 1980. Applicant: CENTRAL SOUTHERN, INC. P.O. Box 375,. Drayton, SC 29333. Representatives: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting (1) *fiberglass prodcuts, fibrous glass textile products, plastic articles,* and (2) *equipment, materials and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above (except commodities in bulk, in tank, hopper or dump vehicles), between points in the U.S., under continuing contract(s) with Owens-Corning Fiberglas Corporation, of Toledo, OH.

MC 150741 (Sub-1F), filed September 17, 1980. Applicant: HUEY TRANSPORTATION COMPANY, INC., 2802 Lomb Ave., P.O. Box 211, Birmingham, AL 35201. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting (1) *metal products,* and (2) *materials, equipment, and supplies* used in the manufacture of metal products, between points in the U.S., under continuing contract(s) with Zurn Industries, Inc., Passavant Corp., and Alabama Metal Industries Corp., all of Birmingham, AL.

MC 151311 (Sub-1F), filed September 12, 1980. Applicant: BEVERAGE DISTRIBUTORS, INC., P.O. Box 366, Yakima, WA 98907. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Transporting *fruit juices and fruit juice concentrates,* from those points in WA in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties to points in CA.

MC 151460 (Sub-1F), filed September 11, 1980. Applicant: SIMPSON EXCAVATING, INC., R.R. 3, Fairfield, IL 62837. Representative: Brent E. Clary, P.O. Box 469, 6th Floor Lafayette Bank and Trust Bldg., Lafayette, IN 47902. Transporting (1) *oilfield equipment, materials, and supplies,* and (2) *pipe,* between points in IL, IN, KY, and MI.

MC 151540 (Sub-1F), filed September 2, 1980. Applicant: ESTB, INC., 21 Pier Lane, Roseland, NJ 07068. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *construction materials,* equipment and supplies, between points in Bucks and Berks County, PA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 151721 (Sub-1F), filed September 11, 1980. Applicant: LAUFENBERG FEED & AGRI–SERVICE, INC., Route 1, P.O. Box 90A, Highland, WI 53543. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *such commodities* as are dealt in or used by retail stores, between the facilities used by Howard Johnson's Enterprises, Inc. at (a) Viroqua, WI, (b) Kansas City, MO, (c) Omaha, NE, and (d) Minneapolis, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151740F, filed September 3, 1980. Applicant: LARRYMAR CORPORATION, P.O. Box 5, Route 541, Mt. Holly, NJ 08060. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Rd. and Cottman St., Jenkintown, PA 19046. Transporting (1)(a) *petroleum and petroleum products,* and (b) *materials, equipment, and supplies* used in the manufacture and distribution of petroleum and petroleum products, between points in the U.S., and (2)(a) *petroleum, petroleum products, coal, and coal products,* and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (2)(a), between points in the U.S., under continuing contract(s) in (1) above with Amerada Hess Corporation, of Woodbridge, NJ, and in (2) with West Bank Ofl, Inc., of Pennsauken, NJ.

MC 151851 (Sub-1F), filed September 16, 1980. Applicant: T. L. MOORE d.b.a. T. L. MOORE TRUCKING, 18700 Roberts Rd., Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *furniture or fixtures, fabricated metal products,* and *machinery and supplies,* as described in Items (25), (34) and (35), respectively, of the Standard Transportation Commodity Code Tariff, between points in the U.S., under continuing contract(s) with South-Ray Storage Systems, Inc., of Tempe, AZ.

MC 151880F, filed September 11, 1980. Applicant: K & K TRUCKING, INC., 806 Cullum St., Carthage, TN 37030. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Davidson County, TN, on the one hand, and, on the other, points in Smith County, TN.

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Decided: Sept. 24, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 200 (Sub-498F), filed September 19, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities utilized by The Continental Group, Inc.

MC 5470 (Sub-229F), filed September 15, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St., NW., Washington, DC 20006. Transporting (1) *alloys and pig iron*, in dump vehicles, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, in dump vehicles, between the facilities of Foote Mineral Company, at Keokuk, IA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 29910 (Sub-290F), filed September 19, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Atlanta, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing regular-route operations.

MC 29910 (Sub-291F), filed September 19, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in St. Charles, MO, on the one hand, and, on the other, points in the U.S.

MC 52460 (Sub-287F), filed September 16, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *foodstuffs*, from the facilities of Adams Packing Association, Inc., at Memphis, TN, to points in AL, AR, CO, GA, IL, IA, KS, KY, LA, MS, MO, NM, NC, NE, OK, TX, VA, and WV.

MC 57880 (Sub-23F), filed September 16, 1980. Applicant: ASHTON TRUCKING CO., a corporation, 1245 North Highway 285, Monte Vista, CO 81144. Representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. Transporting *chemicals*, and *mining supplies*, between points in Raleigh County, WV, on the one hand, and, on the other, points in McKinley County, NM, and Chatham County, GA.

MC 75471 (Sub-2F), filed September 22, 1980. Applicant: ELSTON RICHARDS STORAGE COMPANY, a corporation, 3739 Patterson S.E., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *furniture*, between points in IL, IN, IA, KY, MI, MO, NJ, NY, OH, PA, WV, and WI, restricted to traffic originating at or destined to the facilities of (a) Chatham County of Ohio, (b) Steelcase, Inc., (c) SK Products Corporation, (d) Trend Clocks, Division of Sligh Furniture, (e) Sligh Furniture, and (f) Howard Miller Clock Company.

MC 82841 (Sub-292F), filed September 22, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercury Road, Omaha, NE 68106. Transporting (1) *agricultural implements and parts*, (2) *farm and road machinery and parts*, and (3) *contractors' equipment and supplies*, between points in IL, on the one hand, and, on the other, points in NE, KS, and CO, and those in Lyon, Sioux, Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, Fremont, Page, Taylor, and Montgomery Counties, IA.

MC 105501 (Sub-46F), filed September 22, 1980. Applicant: TERMINAL WAREHOUSE COMPANY, a corporation, 1851 Raddison Road, N.E., Blaine, MN 55434. Representative: Joseph J. Dudley, W-1260 First National Bank Bldg., St. Paul, MN 55101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, ND, SD, WI, and WY, restricted to traffic originating at or destined to the facilities used by Ralston Purina Company.

MC 106920 (Sub-109F), filed September 19, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *slit coiled metal*, from Minster, OH, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 112801 (Sub-255F), filed September 18, 1980. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *vegetable oils*, in bulk, between Des Moines, IA, on the one hand, and, on the other, points in NV, UT, AZ, NM, MT, WY, LA, MS, SC, NC, VA, WV, DE, VT, and DC.

MC 119741 (Sub-276F), filed September 19, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transportating *frozen foods*, between points in Webster County, IA, on the one hand, and, on the other, points in CO, KS, MN, MO, NE, ND, SD, and WI.

MC 128951 (Sub-39F), filed September 11, 1980. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING 1000 North Front St., New Ulm, MN 56073. Representative: Rodney H. Jeffery (same as address as applicant). Transporting (1) *feed, feed ingredients, and citrus pulp pellets*, between points in FL, restricted to traffic having subsequent movement by water.

MC 131020F, filed September 10, 1980. Applicant: ATLAS TRAVEL AGENCY, INC., 101 West Front Street, Ashland, WI 54806. Representative: Donald S. Smith (same address as applicant). As a *broker* at Ashland, WI, in arranging for the transportation *of passengers and their baggage*, beginning and ending at points in Ashland County, WI, and extending to points in the U.S.

MC 131030, filed September 18, 1980. Applicant: LONTOURS INC., d.b.a. COSMOS OF LONDON, 69-15 Austin St., P.O. Box 862, Forest Hills, NY 11375. Representative: R. M. Riggs, 2 Wall St., New York, NY 10005. As a *broker*, at New York, NY, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 133221 (Sub-39F), filed September 19, 1980. Applicant: OVERLAND CO., INC., 1991 Buford Hwy., Lawrenceville, GA 30245. Representative: John J. Capo,

P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *cans and closures*, and (2) *materials, equipment, and supplies* used in the manufacture of cans and closures, from the facilities of Continental Can Co., at (a) Orange and Borough Counties, FL, (b) Jefferson County, AL, (c) Houston and Fulton Counties, GA, (d) Gregg, Harris and Cameron Counties, TX, (e) Kay County, OK, (f) Warren County, MS, (g) Orleans County, LA, (h) Sebastian County, AR, and (i) Pulaski Park, MD, to points in the U.S. in and east of NM, OK, KS, NE, SD, and ND.

MC 136480 (Sub-3F), filed September 20, 1980. Applicant: WALTER LUBINSKI, d.b.a. L & K TRANSPORTATION, R.D. 4, P.O. Box 199, Dallas, PA 18612. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *paper and paper products*, between points in Columbia County, PA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, OR, UT, and WA.

MC 143500 (Sub-10F), filed September 12, 1980. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersurg, MD 20760. Transporting (1) *furniture parts*, and (2) *materials and supplies* used in the manufacture of furniture parts, between points in the U.S., under continuing contract(s) with Middletown Manufacturing Division of Leggett & Platt, Inc., of Simpsonville, KY.

MC 143500 (Sub-11F), filed September 18, 1980. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting (1) *office furniture and office furnishings*, and (2) *parts* for the commodities in (1) above, between points in the U.S., under continuing contract(s) with Ed Pauly & Associates, Inc., of Vernon, CA.

MC 143540 (Sub-28F), filed September 12, 1980. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting (1) *plastic containers*, and (2) *materials, equipment and supplies*, used in the manufacture and distribution of plastic containers, (except commodities in bulk), between points in the U.S., under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY.

MC 144140 (Sub-53F), filed September 18, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting *foodstuffs*, between memphis, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145700 (Sub-6F), filed September 16, 1980. Applicant: TIGATOR, INC., d.b.a. TIGATOR TRUCKING SERVICE, 8686 Anselmo Lane, Baton Rouge, LA 70821. Representative: J. H. Campbell, Jr., P.O. Box 1748, Baton Rouge, LA 70821. Transporting (1) *pet food*, (2) *pickle products*, (3) *processed vegetable and fruit products*, and (4) *charcoal*, in bags, between points in the U.S., under continuing contract(s) with Associated Grocers, Inc., of Baton Rouge, LA.

MC 147870 (Sub-1F), filed September 18, 1980. Applicant: MEMPHIS LEASING COMPANY, INC., 814 Florida St., Memphis, TN 38101. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, TN, on the one hand, and, on the other, points in AR, those points in AL on and north of Interstate Hwy 59, those in MS on and north of Interstate Hwy 20, and those in TN on and west of U.S. Hwy 27, restricted to traffic having a prior to subsequent movement by rail or water.

MC 148941 (Sub-1F), filed September 22, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 149170 (Sub-20F), filed September 19, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in the U.S.

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 149530F, filed September 5, 1980. Applicant: HITCHCOCK BROS., INC., P.O. Box 212, Canaan, CT 06018. Representative: C. F. Hitchcock (same address as applicant). Transporting *petroleum products*, between points in the U.S., under continuing contract(s) with John B. Hull, Inc. of Great Barrington, MA, and Community Fuel, Inc., of Lakeville, CT.

MC 149540F, filed September 15, 1980. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Hwy., Washington, DC 20014. Transporting *such commodities* as are dealt in by grocery busines houses (except commodities in bulk), between points in the U.S., under continuing contract(s) with A. W. Sisk & Sons, Inc., of Preston, MD.

MC 150420 (Sub-1F), filed September 18, 1980. Applicant: WES-FLO CO., INC., P.O. Box 17401, Tampa, FL 33802. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Avenue, Orlando, FL 32801. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and thpse requiring special equipment), between Jacksonville, FL, on the one hand, and, on the other, points in FL, restricted to traffic having a prior to subsequent movement by rail.

MC 151890F, filed September 16, 1980. Applicant: D & T EXPRESS, INC., 5025 Hillsboro Rd., 18–C, Nashville, TN 37215. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in Shelby and Davidson Counties, TN, on the one hand, and, on the other, those points in that part of CO east of the Continental Divide.

MC 150890 (Sub-1F), filed September 15, 1980. Applicant: THIELE TRANSPORTATION, INC., 1338 Dugdale Road, Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. La Salle St., Rm 1620, Chicago, IL 60603. Transporting (1) *iron and steel articles* and (2) *materials and supplies* used in the manufacture of iron and steel articles, between points in WI on and south of U.S. Hwy. 18, on the one hand, and, on the other, Chicago, Rockford, Mundelein, Richmond, Crystal Lake and Savanna, IL.

MC 151910F, filed September 16, 1980. Applicant: KINGMAN AUTO SALVAGE, INC., 3800 North Highway 66, Kingman, AR 86401. Representative: Donald M. Smith (same address as applicant). Transporting *plastic houseware*, between points in the U.S.,

under continuing contract(s) with Tucker Housewares, Incorporated of Kingman, AR.

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Decided: September 25, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 69833 (Sub-159F), filed September 17, 1980. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave. NW, 6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). Transporting (A) over *regular routes, 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 Cincinnati, OH, and Louisville, KY, over Interstate Hwy 71, serving all intermediate points, (2) between Louisville and Lexington, KY, over Interstate Hwy 64, serving all intermediate points, (3) between Lexington, KY, and Cincinnati, OH, over Interstate Hwy 75, serving all intermediate points, and serving points within 35 miles of Lexington, KY, (4) between the OH-PA state line and Niagara Falls, NY, over U.S. Hwy 20 (also Interstate Hwy 90), to junction Interstate Hwy 190, then over Interstate Hwy 190 to Niagara Falls, NY, serving all intermediate points, (5) between junctions OH Hwys 14 and 7, near Columbiana, OH, and Parkersburg, WV, over OH Hwy 7 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction WV Hwy 2, then over WV Hwy 2 to Parkersburg, WV, serving all intermediate points, (6) between Parkersburg and Charleston, WV, over WV Hwy 2 (also Interstate Hwy 77), serving all intermediate points, (7) between Charleston and Huntington, WV, over U.S. Hwy 60 (also Interstate Hwy 64), serving all intermediate points, (8) between Huntington and Parkersburg, W.V, over WV Hwy 2, serving all intermediate points, (9) between Charleston, WV, and Gallipolis, OH, over U.S. Hwy 35 (also WV Hwy 62), serving all intermediate points, and (10) serving points in IL, IN, and MI (except the Upper Peninsula of MI), and points in Jefferson, Shelby, Franklin, Jessamine, Spencer, Anderson, Mercer, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Montgomery, Clark, Fayette, Bourbon, Bath, Nicholas, Harrison, Scott, Owen, Henry, Oldham, Carroll, Gallatin, Boone, Kenton, and Grant Counties, KY, Cabell, Putnam, Kanawha, Mason, Jackson, Wood, Pleasant, Tyler, Wetzel, Marsh, Ohio, and Hancock Counties, WV, Erie County, PA, and Chautauqua, Erie, and Niagara Counties, NY, as off-route points in connection with applicant's regular route operations, and (B) over *irregular routes*, between points in IL, IN, and MI (except the Upper Peninsula of MI), and points in Jefferson, Shelby, Franklin, Jessamine, Spencer, Anderson, Mercer, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Montgomery, Clark, Fayette, Bourbon, Bath, Nicholas, Harrison, Scott, Owen, Henry, Oldham, Carroll, Gallatin, Boone, Kenton, and Grant Counties, KY, Cabell, Putnam, Kanawha, Mason, Jackson, Wood, Pleasant, Tyler, Wetzel, Marsh, Ohio, and Hancock Counties, WV, Erie County, PA, and Chautauqua, Erie, and Niagara Counties, NY.

MC 110012 (Sub-75F), filed September 16, 1980. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from points in the U.S. (except AK and HI), to points in KY, TN, VA, NC, SC, GA, AL, and MS.

MC 115093 (Sub-23F), filed September 17, 1980. Applicant: MERCURY MOTOR EXPRESS, INC., 2511 North Grady Ave. (P.O. Box 23406), Tampa, FL 33607. Representative: Francis W. McInerny, 1000 Sixteenth St. N.W., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and Classes A and B explosives), between points in FL, GA, and SC.

MC 124692 (Sub-338F), filed September 17, 1980. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M-20, 400 Marquette Avenue, Minneapolis MN 55401.Transporting *such commodities* as are dealt in or used by farm supply cooperatives (except household goods as defined by the Commission, feed ingredients, commodities which, because of size or weight require the use of special equipment, agricultural machinery and implements, other than hand, and agricultural tractors), between those points in the U.S. in and west of OH, KY, TN, AR, and LA (except AK and HI).

MC 144303 (Sub-20F), filed July 22, 1980, published in the **Federal Register** issue of August 11, 1980, and republished, as corrected, this issue. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St. NW, Washington, DC 20006. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Olin Corporation, of Pisgah Forest, NC, its subsidiaries and affiliates. The purpose of this republication is to show the correct contracting shipper.

MC 146773 (Sub 3F), filed August 4, 1980, published in the **Federal Register** issues of August 19, 1980, and September 8, 1980, and republished, as corrected, this issue. Applicant: CON-EX, INC., 369 Mast Rd., Manchester, NH 03102. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in ME, NH, VT, and MA, on the one hand, and, on the other, points in the U.S. (except AK, CT, DE, HI, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, WV, and DC), restricted to traffic originating at or destined to (a) the facilities of members of N.H. Shippers Cooperative, Inc., or (b) the facilities of N.H. Shippers Cooperative, Inc., at Manchester, NH. The purpose of this republication is to add the restrictions.

MC 147692F, filed September 9, 1980. Applicant: RODNEY JOSEPH ROY, AN INDIVIDUAL, d.b.a. SUMMIT TRANSPORTATION, 16402 Cherry Crest Circle, Cerritos, CA 90701. Representative: Rodney Joseph Roy (same address as applicant). Transporting *anti-freeze preparations* (except commodities in bulk), from points in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, CA, to points in Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Mojave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, and Yuma Counties, AZ, restricted against the traffic of commodities which because of size or weight requires the use of special equipment.

MC 148943 (Sub-2F), filed September 12, 1980. Applicant: TEJAS OESTE TRUCK LINES, INC., 2209 Mills St., El Paso, TX 79901. Representative: Greg J. Evans (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special

equipment), (1) Between El Paso, TX, and Artesia, NM: From El Paso, TX, over U.S. Hwy 62/180 to Carlsbad, NM, then over U.S. Hwy 285 to Artesia, and return over the same route. (2) Between Artesia and Roswell, NM: over (A) U.S. Hwy 285 and (B) U.S. Hwy 285A. (3) Between Roswell and Tatum, NM, over U.S. Hwy 380. (4) Between Roswell and Clovis, NM, over U.S. Hwy 70, serving Cannon Air Force Base as an off-route point. (5) Between Artesia and Lovington, NM, over U.S. Hwy 82. (6) Between Clovis and Lovington, NM: From Clovis, over U.S. Hwy 70 to Portales, NM, then over NM Hwy 18 to Lovington, and return over the same route, and (7) Between Roswell, NM, and El Paso, TX; From Roswell over U.S. Hwy 70 to junction U.S. Hwy 54, then over U.S. Hwy 54 to El Paso, and return over the same route, and serving all intermediate points in (1) through (7) above.

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Decided: September 23, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 14314 (Sub-42F), filed September 17, 1980. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Broadway & Vine Sts., Lima, OH 45802. Representative: R. L. Anderhalt, Jr. (same address as applicant). Transporting *general commodities* (except those of ususual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Ferdinand, IN, as an off-route point in connection with the other authorized regular-route operations of applicant.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 15975 (Sub-34F), filed September 17, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of General Motors Corporation, in St. Charles County, MO, on the one hand, and, on the other, points in the U.S.

MC 61614 (Sub-4F), filed September 11, 1980. Applicant: TROWBRIDGE STORAGE COMPANY, a corporation, 1513 Alum Creek Dr., Columbus, OH 43209. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *household goods* as defined by the Commission, between points in OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 65895 (Sub-12F), filed September 17, 1980. Applicant: REDDAWAY'S TRUCK LINE, 1721 N.W. Northrup St., Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission), between points in King, Pierce and Snohomish Counties, WA and Multnomah, Washington, and Clackamas Counties, OR, on the one hand, and, on the other, points in OR.

Note.—Applicant intends to join the requested authority with existing regular route authority.

MC 106074 (Sub-158F), filed September 17, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Hwy 221 South, P.O. Box 727, Forest City, NC 28043. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *floor covering and adhesives*, and (2) *materials, equipment, and supplies* used in the installation of the commodities in (1) above, from points in Harris County, TX, to points in CO, ND, SD, NE, KS, OK, MN, IA, MO, AR, WI, IN, IL, MI, OH, WV, PA, MD, DE, DC, and Rutherford, NJ, and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, in the reverse direction.

MC 107295 (Sub-991F), filed September 16, 1980. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *general commodities*, between points in the U.S., restricted to traffic originating at or destined to facilities used by the Donn Corp. and its subsidiaries.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 107295 (Sub-992F), filed September 16, 1980. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *interior packaging forms, fillers, petitions, platforms, and wrappers*, between points in Monroe County, MI, on the one hand, and, on the other, Creighton, PA, Farmington, NH, Indianapolis, IN, and Laurinburg, NC.

MC 109584 (Sub-216F), filed September 17, 1980. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *refined petroleum products* and *chemicals*, from points in CA, to the port of entry on the international boundary line between the U.S. and Mexico, at Calexico, CA.

MC 121664 (Sub-132F), filed September 16, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: William E. Grant, 1702 1st Ave. South, Birmingham, AL 35233. Transporting (1) *forest products, lumber and wood products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in Davidson County, TN, on the one hand, and, on the other, AL, GA, MS, KY, IN, IL, MO, OH, AR, WI, MI, and PA.

MC 121664 (Sub-133F), filed September 16, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36064. Representative: W. E. Grant, 1702 1st Ave., South, Birmingham, AL 35233. Transporting (1) *forest products, lumber and wood products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in (a) Winston County, MS, (b) Madison County, TN, and (c) Escambia County, FL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 123294 (Sub-84F), filed September 12, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *brattice cloth, mine vents, and ridged pipe*, from Warsaw, IN, to points in MN, IA, MO, AR, ND, SD, NE, KS, OK, NM, UT, CO, and WY.

MC 123294 (Sub-85F), filed September 12, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *rough iron castings*, from Warsaw, IN, to points in WI and MN.

MC 123294 (Sub-86F), filed September 12, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting (1) *insulation materials*, from Wabash, IN, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture, installation, and

distribution of insulation materials, in the reverse direction.

MC 123294 (Sub-87F), filed September 12, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *scrap paper, and waste paper,* from Morris, IL, to Lockland and Middletown, OH.

MC 126305 (Sub-146F), 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 (1) *highway marking spheres and strip glass, ballotini, broken glass, plastic articles,* and *metal articles* (except commodities in bulk, in tank vehicles), and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities named in (1) above (except commodities in bulk, in tank vehicles), between points in the U.S., restricted to traffic originating at or destined to the facilities of Potters Industries, Inc., and its subsidiaries.

MC 129974 (Sub-21F), filed September 12, 1980. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *foodstuffs, meats, meat products and meat byproducts* and *articles distributed by meat packinghouses,* and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, a Division of Swift & Company, of Chicago, IL.

MC 129994 (Sub-47F), filed September 12, 1980. Applicant: RAY BETHERS TRUCKING, INC., a Corporation, 176 West Central Ave., Salt Lake City, UT 84107. Representative: Marilyn McNeil (same address as applicant). Transporting *iron and steel articles,* between the facilities of Pacific States Cast Iron Pipe, at or near Provo, UT, on the one hand, and, on the other, points in AZ, CA, CO, MT, NV, and WY.

MC 133975 (Sub-10F), filed September 16, 1980. Applicant: FLAMINGO TRANSPORTATION, INC., 11405 N.W. 36th Ave., Miami, FL 33167. Representative: Richard B. Austin, 8390 N.W. 53 St., Suite 320, Miami, FL 33166. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in FL, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in section 49 U.S.C. 10102 (8) (1978).

MC 138815 (Sub-3F), filed September 16, 1980. Applicant: MERCHANTS DELIVERY, INC., 1027 Elm Hill Pike, Nashville, TN 37219. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting (1) *cosmetics and toiletries,* and (2) *merchandise, equipment, and supplies* dealt in or distributed by manufacturers of commodities in (1) above, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Atlanta, GA.

MC 139444 (Sub-2F), filed September 5, 1980. Applicant: ROSS TRUCKING COMPANY, a Corporation, 123 36th St., Pittsburgh, PA 15201. Representative: Joseph A. DeVita (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives) between points in the U.S., under continuing contract(s) with Commonwealth Warehouse and Storage, Inc., of Pittsburgh, PA.

MC 141914 (Sub-88F), filed September 5, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *medical supplies* and *material* used in the manufacture of medical supplies (except commodities in bulk), between points in Hunt County, TX, on the one hand, and, on the other, points in the U.S.

MC 142954 (Sub-11F), filed September 16, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Transporting (1) *foodstuffs,* (2) *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) and (2) above, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 145914 (Sub-9F), filed September 9, 1980. Applicant: COASTAL TRUCK LINES, INC., How Lane, New Brunswick, NJ 08903. Representative: Lawrence S. Burstein, Suite 2373, One World Trade Center, New York, NY 10048. Transporting (1) *containers and container closures,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the U.S., under a continuing contract(s) with Kaiser Aluminum & Chemical Sales, Inc., of Hillside, NJ.

MC 148444 (Sub-4F), filed September 16, 1980. Applicant: RAHMEIER TRUCKING, INC., P.O. Box 283, Salina, KS 67401. Representative: Clyle N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *frozen foods and frozen products,* and (2) *materials equipment, and supplies* used in the manufacturing and distribution of frozen foods and frozen products, between points in the U.S., under continuing contract(s) with Schwans Sales Enterprises, Inc., of Marshall, MN.

MC 151215 (Sub-1F), filed September 11, 1980. Applicant: FACTORY SERVICES, INC., 624 Kennedy St., Lexington, KY 40501. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *general commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Fayette, Jassamine Burbon, Woodford, Clark and Scott Counties, KY, on the one hand, and on the other, Cincinnati, OH, and points in KY, restricted to traffic having immediately prior subsequent movement by rail.

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Decided: September 22, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 4428 (Sub-21F), filed September 9, 1980. Applicant: HARCHELROAD TRUCKING CO., a corporation, 243 Tilford Rd., Pittsburgh, PA 15235. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Transporting *iron and steel articles, and materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, between points in OH, PA, WV, MD, MI, IN, IL, and WI. Condition: Prior or coincidental cancellation, at applicant's written request, of its authority in No. MC 4428 Subs-18, 19, and 20.

MC 25869 (Sub-171F), filed September 10, 1980. Applicant: C.O.D.E. INC., 4800 Colorado Blvd., Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting (1) *tile and floor coverings,* and (2) *materials, equipment, and*

supplies used in the installation of the commodities in (1), between points in CA, CO, NE, IA, IL, and TX.

MC 51018 (Sub-15F), filed September 4, 1980. Applicant: THE BESL TRANSFER CO., a corporation, 5550 Este Ave., Cincinnati, OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *machinery*, and (2) *primary metal products;* including galvanized; except coating or other allied processing, and *fabricated metal products;* except ordnance, as described in Items 33 and 34 of the Standard Transportation Commodity Code tariff, between points in IN, KY, and OH, on the one hand, and, on the other, points in the U.S.

MC 52579 (Sub-212F), filed September 10, 1980. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Lawrence S. Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *such commodities* as are dealt in by retail department stores, between New York, NY, on the one hand, and, on the other, points in Dekalb County, GA.

MC 56679 (Sub-173F), filed August 28, 1980. Applicant: BROWN TRANSPORT CORP, 352 Uniyersity Ave. SW., Atlanta, GA 30301. 30310. Representative: Leonard S. Cassell (same address as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (1) between Cincinnati, OH, and Minneapolis, MN, from Cincinnati over U.S. Hwy 27 to junction U.S. Hwy 35 then over U.S. Hwy 35 to junction U.S. Hwy 31, (then over U.S. Hwy 31 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Minneapolis and return over the same route, (2) between Cincinnati, OH, and Indianapolis, IN, over Interstate Hwy 74, (3) between Indianapolis, IN and Richmond, IN, over U.S. Hwy 40, (4) between Indianapolis, IN and Minneapolis, MN, from Indianapolis over Interstate Hwy 65 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Minneapolis, and return over the same route, (5) between Peru, IN, and Muncie, IN, from Peru over IN Hwy 21 to junction IN Hwy 18, then over IN Hwy 18 to junction IN Hwy 9, then over IN Hwy 9 to junction IN Hwy 32, then over IN Hwy 32 to Muncie, IN, and return over the same route, (6) between West College Corner, IN, and junction U.S. Hwy 35 and In Hwy 22, from West College Corner over U.S. Hwy 27 to junction IN Hwy 1, then over IN Hwy 1 to junction IN Hwy 38, then over IN Hwy 38 to junction IN Hwy 3, then over IN Hwy 3 to junction IN Hwy 26, then over IN Hwy 26 to junction IN Hwy 22, then over IN Hwy 22 to junction U.S. Hwy 35 and return over the same route, (7) betwen Anderson, IN, and Indianapolis, IN, from Anderson over IN Hwy 32 to junction IN Hwy 37, then over IN Hwy 37 to Indianapolis, and return over the same route, (8) between Union City, IN, and Muncie, IN, over IN Hwy 32, (9) between Chicago, IL, and Madison, WI, from Chicago over U.S. Hwy 20 to junction IL Hwy 72, then over IL Hwy 72 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction U.S. Hwy 14, then over U.S. Hwy 14 to Madison, and return over the same route serving all intermediated points and serving all points within 25 miles of Chicago, IL, as off-route points, (10) between Chicago, IL, and Madison, WI, over Interstate 94, (11) between Chicago, IL, and Omaha, NE, over U.S. Hwy 6, (12) between Chicago, IL, and Omaha, NE, over Interstate Hwy 80, (13) between Chicago, IL, and Chippewa Falls, WI, from Chicago, over U.S. Hwy 34 to junction IL Hwy 92, then over IL Hwy 92 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction U.S. Hwy 52, then over U.S. Hwy 52 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 53, then over U.S. Hwy 53 to Chippewa Falls, and return over the same routes, (14) between Rockford, IL, and Peoria, IL, from Rockford over U.S. Hwy 51 to junction IL Hwy 29, then over IL Hwy 29 to Peoria, and return over the same routes, (15) between Rockford and Moline, IL, over IL Hwy 2, (16) between Sioux City, IA and Keokuk, IA, from Sioux City over U.S. Hwy 20 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction IA Hwy 92, then over IA Hwy 92 to junction IA Hwy 137, then over IA Hwy 137 to junction IA Hwy 23, then over IA Hwy 23 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Keokuk, and return over the same routes, (17) between junction U.S. Hwy 20 and U.S. Hwy 69 and Dubuque, IA over U.S. Hwy 20, (18) between Ames, IA and Iowa City, IA from Ames over U.S. Hwy 30 to junction Interstate Hwy 380 then over Interstate Hwy 380 to Iowa City, and return over the same routes, (19) between Cedar Falls, IA and Cedar Rapids, IA, over U.S. Hwy 218, (20) between Council Bluffs, IA, and Sioux City, IA, over Interstate Hwy 29, (21) between Davenport, IA, and Burlington, IA, and Burlington, IA, over U.S. Hwy 61, (22) between Minneapolis, MN, and junction U.S. Hwy 65 and U.S. Hwy 20 over U.S. Hwy 65, (23) between Minneapolis, MN, and Des Moines, IA, over Interstate Hwy 35, (24) between St. Cloud, MN, and Minneapolis, MN, over U.S. Hwy 10, (25) between Minneapolis, MN, and Mankato, MN, over U.S. Hwy 169, (26) between Milwaukee, WI and Green Bay, WI, over U.S. Hwy 141, (27) between Milwaukee, WI, and Green Bay, WI over U.S. Hwy 41, (28) between Peoria, IL, and junction Interstate Hwy 74 and Interstate Hwy 80 over junction 74, (29) between Fond du lac, WI, and Cedar Rapids, IA, over U.S. Hwy 151, (30) between Dayton, OH, and Richmond, IN, over U.S. Hwy 35, serving all intermediate points, Pembina, ND, and all points in IA, MN, and WI, as off-route points.

Note.—Applicant intends to tack this authority with its existing authority and to interline with other carriers.

MC 57239 (Sub-54F), filed September 10, 1980. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46255. Representative: James R. Smith (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Cumberland County, KY, as off-route points in connection with applicant's otherwise authorized regular route operations.

MC 82079 (Sub-87F), filed September 10, 1980. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Ave. SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, between points in Ottawa County, MI, and points in IN, and IL.

MC 97119 (Sub-3F), filed September 5, 1980. Applicant: MERCHANT TRANSPORT, INC., 5409 Georgia Ave., West Palm Beach, FL 33405. Representative: Norman J. Bolinger, 3100 University Blvd. S., Suite 225, Jacksonville, FL 3221. Transporting (1) *iron and steel articles*, (2) *concrete forming systems*, and (3) *commodities requiring special equipment* field equipment and supplies, between points in FL (except those in (1) and (2) above, oil field equipment and supplies), between points in FL.

Note.—Applicant seeks to convert its Certificate of Registration MC-97119 to a Certificate.

MC 108859 (Sub-84F), filed September 9, 1980. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Ave.,

North, Escanaba, MI 49829. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting (1) (a) *pulp, paper or allied products* as described in Item 26 of the standard transportation commodity code tariff and (b) *construction materials, paper making machinery and equipment*, between Delta County, MI on the one hand, and, on the other, those points in IL on and north of U.S. Hwy 36 and points in IN, MI, OH, and WI, and (2) *waste papers for recycling by paper manufacturers*, between those points in IL on and north of U.S. Hwy 36, those points in MN on and east of a line beginning at Duluth, MN and extending along Interstate Hwy 35 to its junction with MN Hwy 23 near Hinckley, MN then over MN Hwy 23 to junction MN Hwy 15 near St. Cloud, MN then over MN Hwy 15 to the MN-IA state line and points in IN, MI, OH, and WI.

MC 109238 (Sub-23F), filed September 10, 1980. Applicant: DEHART MOTOR LINES, INC., P.O. Box 368, Conover, NC 28613. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *textiles, textile products, and pressure sensitive tape*, and (2) *materials, equipment, and supplies* used in the distribution, and manufacture of the commodities in (1), between points in Danville, VA, NC, and SC, on the one hand, and, on the other, points in NJ, NY, PA, and VA.

MC 118318 (Sub-54F), filed September 11, 1980. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *alcoholic beverages*, between points in CA on the one hand, and, on the other, points in ID.

MC 119489 (Sub-65F), filed September 9, 1980. Applicant: CENTRAL TRANSPORTATION COMPANY, INC., P.O. Box 249, Norfolk, NE 68701. Representative: Dennis L. Hardt, 1331 South 33rd Street, Suite F, Lincoln, NE 68510. Transporting *such commodities* as are dealt in by rendering plants, between points in NE, IA, MN, IL, MO, AR, CO, SD, WY and KS.

MC 119489 (Sub-66F), filed September 9, 1980. Applicant: CENTRAL TRANSPORTATION COMPANY, INC., P.O. Box 249, Norfolk, NE 68701. Representative: Dennis L. Hardt, 1331 South 33rd Street, Suite F, Lincoln, NE 68510. Transporting *liquid fertilizer*, from the facilities of Chevron Chemical Company at or near Friend, KS, to CO, NE, OK, TX and NM.

MC 119789 (Sub-712F), filed September 5, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., (same address as applicant). Tranporting *wine, brandy, and fruit juice concentrate*, from points in CA to points in FL.

MC 121568 (Sub-50F), filed September 10, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same as applicant). Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Brownsville, TN, Indianola, MS, and Cleveland, Liverpool, Shelby, Strongsville, and Willard, OH, and (2) between points in (1) and points in the U.S. (except AK and HI).

MC 121568, (Sub-51F), filed September 5, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). Transporting (1) *wood burning stoves, and fireplaces*, (2) *parts* for the commodities in (1), and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) between Memphis, TN, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM.

Note.—Applicant intends to tack this authority with its existing authority in MC 121568.

MC 121568, (Sub-52F), filed September 10, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). Transporting (1) *hydraulic hose and rubber hose*, and (2) *materials, equipment, and supplies* used in the manfacture and distribution of the commodities in (1) above, between Mountain Home, AR, on the one hand, and, on the other, points in MO, KY, TN, and OH.

Note.—Applicant intends to tack this authority with its existing authority in MC 121568.

MC 125129, (Sub-6F), filed September 8, 1980. Applicant: INDEPENDENT FREIGHT, INC., P.O. Box 446, Danielson, CT 06239. Representative: Richard B. Greene (same address as applicant). Transporting *glass containers, closures for glass containers*, and *fiberboard boxes*, between points in the U.S., under continuing contract(s) with Glass Containers Corp., of Fullerton, CA.

MC 125708, (Sub-203F), filed September 10, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, P.O. Box 5216, Lake Station, IN 46405. Representative: J. H. Klostermann, 109 Velma, South Roxana, IL 62087. Transporting (1) *paper products in rolls*, from points in the U.S. (except AK and HI), to points in IL, and (2) *printed magazine inserts*, in the reverse direction.

MC 126118, (Sub-252F), filed September 9, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *non-frozen foodstuffs*, from points in CA to points in the U.S. (except AK and HI).

MC 126118 (Sub-253F), filed September 8, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE, 68501. Representative: David R. Parker (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of filters (except commodities in bulk, in tank vehicles), between points in IL, on the one hand, and, on the other points in the U.S. (except AK, HI, and IL.)

MC 126118 (Sub-254F), filed September 11, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE, 68501. Representative: David R. Parker (same address as applicant). Transporting *furniture or fixtures*, as described in Item 25 of the Standard Transportation Commodity Code Tariff, and *materials, equipment and supplies* used in the distribution, sale and manufacture of furniture and fixtures, between points in AZ, CA, and NV on the one hand, and, on the other points in the U.S. (except AK and HI.)

MC 128338 (Sub-7F), filed September 8, 1980. Applicant: RINGER TRUCKING, INC., Route No. 1, Box 54, Markleysburg, PA 15459. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Transporting *gasoline, kerosene, heating and fuel oil, diesel motor fuel, motor oil, asphalt and asphalt road materials*, between points in the U.S., under continuing contract(s) with (a) Boswell Oil Company, of Dravosburg, PA and (b) Ringer Petroleum Company of Markleysburg, PA.

MC 129149 (Sub-16F), filed September 9, 1980. Applicant: HIEL TRUCKING, INC., R.R. No. 2, Prairie City, IL 61470. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *livestock and poultry feed, pet food, feed and pet food ingredients*, between points in the U.S., under continuing contract(s) with Allied Mills, Inc., Chicago, IL.

MC 134599 (Sub-184F), filed Sepbember 5, 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. Transporting *general commodities* between points in the U.S., under continuing contract(s) with the Warner-Lambert Company, of Morris Plains, NJ, and its divisions and subsidiaries. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives, shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 135078 (Sub-70F), filed September 9, 1980. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *general commodities* (except household goods as defined by the Commission and classes A & B explosives) between points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, ND, NE, NH, NJ, NM, NY, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WI, WV, and DC. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing certificates and permits.

MC 135598 (Sub-47F), filed September 10, 1980. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *malt beverages* (1) from points in Allen and Vanderburgh Counties, IN, Hennepin and Ramsey Counties, MN, St. Clair County, IL, Shelby County, TN, Wayne County, MI, LaCrosse and Milwaukee Counties, WI, and Douglas County, NE, to points in MO, (2) from points in Wayne County, MI, to points in Adams County, IL and Des Moines County, IA, and (3) from points in Peoria County, IL, to points in Lee County, IA.

MC 138308 (Sub-125F), filed September 9, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *kitchen and bathroom furniture and fixtures*, (2) *lockers*, and (3) *materials, equipment, and supplies used in the manufacture, distribution and installation of the commodities in (1) and (2) above*, between points in Bolivar County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138328 (Sub-123F), filed September 10, 1980. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, I-80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and those requiring special equipment), between points in the U.S., restricted to traffic originating at or destined to the facilities used by Packaging Corporation of American and its subsidiaries.

MC 138328 (Sub-124F), filed September 9, 1980. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, I-80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Transporting *such commodities* as are dealt in or used by retail and discount department stores, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Dayton-Hudson Corporation and its subsidiaries.

MC 140218 (Sub-2F), filed September 10, 1980. Applicant: THOMPSON, INC., 3904 Broadway, Quincy, IL 62301. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of truck bodies, hoists, tool boxes, and pick-up truck packs, between points in the U.S. under continuing contract(s) with The Knapheide Mfg. Co. of Quincy, IL.

MC 140898 (Sub-9F), filed September 11, 1980. Applicant: KENDRICK TRUCKING CORP., 728 Upsliner Rd., P.O. Box 19097, Louisville, KY 40219. Representative: William P. Whitney, Jr. (same address as applicant). Transporting *repair and maintenance parts* for equipment and vehicles used in mining and earthmoving, from Louisville, KY to points in FL, GA, IA, LA, MD, MA, NY, PA, and VT.

Note.—The person or persons who appear to be engaged in common control with applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 141249 (Sub-3F), filed September 5, 1980. Applicant: WEEKS CARTAGE, INC., 1900 Dahlia Rd., Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. 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), in intermodal containers, and (2) intermodal containers, between Jacksonville, FL, on the one hand, and, on the other, points in FL and GA, restricted in (1) and (2) above to traffic having a prior or subsequent movement by water.

MC 141548 (Sub-18F), filed September 8, 1980. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347 TA, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Transporting *irrigation sprinkler systems*, and *parts, components and accessories* for irrigation sprinkler systems, from points in CO to those points in the U.S. in and west of MI, OH, IN, IL, MO, AR, and TX (except AK and HI).

MC 141758 (Sub-7F), filed September 10, 1980. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Hugh M. Joseloff, 80 State St., Hartford, CT 06103. Transporting (1) *plastic and plastic products, and paper and paper products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), between points in the U.S., under continuing contract(s) with Lydall New York, Inc., of Manchester, CT.

MC 142548 (Sub-8F), filed September 9, 1980. Applicant: STALEY EXPRESS, INC., 2501 North Brush College Road, Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same address as applicant). Transporting (1) *iron castings and steel forgings*, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1), between points in the U.S. (except AK and HI), under continuing contract(s) with Wagner Castings Company, of Decatur, IL.

MC 143638 (Sub-4F), filed September 9, 1980. Applicant: JOHNSON'S TRUCKING, INC., Route 1, Box 31, Inola, OK 74036. Representative: Troy Johnson (same address as applicant). Transporting *coal*, between points in KS and MO.

MC 144599 (Sub-7F), filed September 9, 1980. Applicant: TRANSFER, INC., 4750 Kentucky Ave., Indianapolis, IN 46241. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between the facilities of Trans-City Terminal Warehouse, Inc., in Marion County, IN, on the one hand, and, on the other, points in AR, GA, IL, IN, KY, MI, MO, NJ, OH, PA, TN, TX, WV, and WI.

MC 145289 (Sub-2F), filed September 10, 1980. Applicant: LARRY SWIFT, d.b.a. LARRY SWIFT TRUCKING, P.O. Box 303, Philip, SD 57567. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Scotchman Industries, Inc., of Philip, SD. Condition: Issuance of a permit in this proceeding is conditioned upon prior or coincidental cancellation of permit MC 145289 Sub-1F, issued August 27, 1979.

MC 145738 (Sub-19F), filed September 10, 1980. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 607, Selmer, TN 38375. Representative: Richard M. Tettelbaum, 5th Floor, Lenox Towers S, 3390 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *pulp, paper, and paper products,* between Savannah, GA, on the one hand, and, on the other, points in the U.S.

MC 146708 (Sub-2F), filed September 9, 1980. Applicant: MAPLE LEAF EXPRESS, LTD., 3600 S. Western Ave., Chicago, IL 60609. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (a) between points in MN, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in MI, NY, NH, VT, and ME, and (b) between points in WI, IN, and TN, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in ME, VT, NH, NY, MI, MN, ND, MT, ID, and WA, restricted in (a) and (b) above to traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8).

MC 147039 (Sub-3F), filed September 9, 1980. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48183. Representative: H. Neil Garson, 3521 Old Lee Highway, Suite 400, Fairfax, VA 22030. Transporting (1) *automotive parts,* and (2) *materials, accessories and supplies* used in the manufacture of automotive parts and automotive vehicles, (a) between the facilities of the Ford Motor Company and its suppliers at points in MI, on the one hand, and, on the other, the facilities of the Ford Motor Company and its suppliers at points in CA, GA, IL, OH, NJ, NY, FL, MN, VA, TX, KS, MO, WI, PA, TN, KY, IN, and OK, (b) between the facilities of the Ford Motor Company and its suppliers at points in OH, on the one hand, and, on the other, the facilities of the Ford Motor Company and its suppliers at points in CA, GA, IL, NJ, NY, FL, MN, VA, TX, KS, MO, WI, PA, TN, KY, IN, and OK, and (c) between the facilities of the Ford Motor Company and its suppliers at points in NY, on the one hand, and, on the other, the facilities of the Ford Motor Company and its suppliers at points in CA, GA, IL, OH, NJ, FL, MN, VA, TX, KS, MO, WI, PA, TN, KY, IN, and OK.

MC 148399 (Sub-2F), filed September 8, 1980. Applicant: C. M. KILLION TRUCKING CO., a corporation, 4001 Dumont, Odessa, TX 79762. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) *machinery, equipment, materials and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in TX, NM, OK, LA, KS and CO.

MC 148598 (Sub-5F), filed August 26, 1980. Applicant: BATROCK, INC., U.S. Hwy 127 North, P.O. Box 220, Lawrenceburg, KY 40342. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in AR, FL, GA, IL, IN, KY, MO, NC, OH, SC, and TN, restricted to traffic originating at and destined to the facilities used by American Greetings Corporation.

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 149529F, filed September 2, 1980. Applicant: ALL OHIO TRUCKING CO., INC., P.O. Box 6010, Wheeling, WV 26003. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S., under continuing contract(s) with Wheeling Pittsburgh Steel Corp., of Pittsburgh, PA.

MC 150938 (Sub-1F), filed September 9, 1980. Applicant: NORMAN GRUBB LEASING, INC., 2018 Bethel Drive, High Point, NC 27260. Representative: Michael L. Grubb (same address as applicant). Transporting *new furniture, and materials and supplies* used in the manufacture and sale of furniture, between points in Randolph, Guilford, and Davidson Counties, NC, on the one hand, and, on the other, points in DE, NJ, NY, and PA.

MC 150939 (Sub-1F), filed September 9, 1980. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under a continuing contract(s) with Mobay Chemical Corporation, of Pittsburgh, PA.

MC 150949 (Sub-1F), filed September 10, 1980. Applicant: NFI, INC., Box 664, Waxahachie, TX 75165. Representative: Gerald S. Duzinski, 71 W. Park Ave., Vineland, NJ 08360. Transporting *plastic products,* between points in Hot Springs County, AR on the one hand, and, on the other, points in TX. NOTE: The person or persons who appear to be engaged in common control with applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 (a) or submit an affidavit indicating why such approval is unnecessary.

MC 151338F filed September 10, 1980. Applicant: COLORADO SPECIALTY FOODS TRANSPORTATION COMPANY, 4750 Nome, Denver, CO 80239. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717—17th Street, Denver, CO 80202. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Colorado Specialty Foods Corporation, of Denver, CO.

MC 151488 (Sub-1F), filed September 9, 1980. Applicant: BROOKLYN EXPRESS CO., a corporation, 6525 Zealand Ave. North, Brooklyn, MN 55428. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *non-alcoholic beverages,* in containers, between points in the U.S., under continuing contract(s) with N. Star Beverages, Inc., of Minneapolis, MN.

MC 151499 (Sub-1F), filed September 5, 1980. Applicant: ABBOTT LABORATORIES, a corporation, 14th and Sheridan Rd., North Chicago, IL 60064. Representative: Joseph H.

Pachnik (same address as applicant). Transportating (1) *drugs, toilet preparations, distilled water, intravenous solutions, and medical care supplies* (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S., under continuing contract(s) with Abbott Laboratories, Inc., of North Chicago, IL.

MC 151739F, filed September 3, 1980. Applicant: ALAN COLBENSON d.b.a. COLBENSON TRUCKING, RR No. 1, Box 24, Stanley, ND 58784. Representative: David C. Britton, 1425 Cottonwood St., Grand Forks, ND 58201. Transportating (1) *farm supplies,* (2) *agricultural chemicals,* and (3) *nonexempt food or kindred products,* between points in MN, MT, SD, ND, and IA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-30462 Filed 10-1-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-74]

Certain Rotatable Photograph and Card Display Units and Components Thereof; Request for Comments Concerning Settlement Agreements

AGENCY: United States International Trade Commission.

ACTION: Request for public comment on proposed settlement agreements.

SUMMARY: These two proposed settlement agreements would result in termination of this investigation with respect to the two respondents covered by the agreements. This notice requests comments on the agreements, within thirty (30) days.

DATES: Comments will be considered if received within thirty (30) days of this notice. Comments should conform with Commission rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: William W. Gearhart, Jr., Esquire, Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523-0487.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) of alleged unfair methods of competition and unfair acts in the importation or sale of certain rotatable photograph and card display units in the United States, the complainants, the Commission investigative attorney, and two respondents, American Consumer, Inc., and Dan-Dee Imports, Inc., moved on June 10, 1980, (Motion Nos. 74-8 and 74-9) to terminate this investigation as to those two respondents based upon settlement agreements. On July 11, 1980, the administrative law judge recommended that the Commission grant the motions.

Subsequently, on August 5, 1980, the administrative law judge filed a recommended determination with respect to the remaining parties in the investigation and recommended that the Commission find a violation of section 337. A hearing with respect to that recommended determination and the issues of relief, public interest considerations, and bonding is scheduled to be held before the Commission beginning at 10 a.m. October 17, 1980, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C.

Notice of the institution of this investigation was published in the **Federal Register** of November 21, 1979 (44 F.R. 66997). Notice of the October 17 hearing was published in the **Federal Register** of October 1, 1980 (45 F.R.).

Written comments requested. In view of the Commission's duty to consider the public interest, the Commission requests written comments from interested persons and agencies concerning the effect of the termination of this investigation based upon the settlement agreements 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. These written comments must be filed with the Secretary to the Commission no later than November 3, 1980.

The agreements. The two settlement agreements are virtually identical. Both respondents agree not to import a rotary photo display device like or similar to the ones being marketed by complainants. The settlement agreements are available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the office of the Secretary to the Commission.

Additional information. The original and 19 true copies of all written submissions must be filed with the Secretary to the Commission. Any persons desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such request should be directed to the Secretary and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's office.

By order of the Commission.

Issued: September 29, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-30684 Filed 10-1-80; 8:45 am]

BILLING CODE 7020-02-M

Privacy Act of 1974; System of Records for Grievance Records

AGENCY: United States International Trade Commission.

ACTION: Publication of system of records for "Grievance Records" under the Privacy Act of 1974.

SUMMARY: This system contains records relating to grievances filed by agency employees under part 771 of regulations issued by the Office of Personnel Management (OPM). The case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. The system includes files and records of internal grievance and arbitration systems established through negotiations with recognized labor organizations. Records are to be maintained in the Commission's Personnel Division.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: William W. Gearhart, Jr., Esq., Office of General Counsel, U.S. International Trade Commission, Washington, D.C. 20436; telephone 202 523-0487.

SUPPLEMENTARY INFORMATION: The Commission has been advised by the Office of Management and Budget that the OPM plans to delete, effective September 30, 1980, the Government-wide system "OPM/GOVT-2, Grievance Records" because it has been decided that such records would be more appropriately maintained in individual agency systems of records.

The information called for in the Commission system set forth below duplicates the information called for in the OPM system. Thus the proposed Commission system is not a new system of records, and no report thereon is necessary. The OPM system was published in the **Federal Register** of May

29, 1979 (44 FR 30884), and was amended by a notice published in the Federal Register of October 26, 1979 (44 FR 61708).

The authority for maintaining this system of records is set forth in 5 U.S.C. 1302, 3301, and 3302; E.O. 10577; and E.O. 10987.

The system of records for grievance records is as follows:

SYSTEM NAME:

Grievance Records—U.S.I.T.C.

SYSTEM LOCATION:

The records are located in the Division of Personnel of the United States International Trade Commission.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees of the United States International Trade Commission (agency) who have submitted grievances in accordance with part 771 of the regulations of the Office of Personnel Management (5 CFR 771) or through a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under part 771 of regulations issued by the Office of Personnel Management. The case filed contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decisions, and related correspondence and exhibits. The system includes files and records of internal grievance and arbitration systems established through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218, E.O. 10987, 3 CFR 1959–1963 Comp., p. 519, agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the agency becomes aware of an indication of a violation of potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

g. By the Commission or by the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS FOR THE SYSTEM.

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing the case and kind of action taken.

d. Organizational component involved.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the offical copy of the grievance filed by contacting the agency personnel office.

Individuals must provide the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Individuals requesting access must also follow the Privacy Act regulations of the Office of Personnel Management

regarding access to records and verification of identity (5 CFR 297.203 or 297.201).

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel office. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Individuals requesting amendment must also follow the Privacy Act regulations of the Office of Personnel Management regarding amendment to the records and verification of identity (5 CFR 297.208 and 297.201).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is provided.

b. By testimony of witnesses.

c. By agency officials.

d. From related correspondence from organizations or persons.

By order of the Commission.

Issued: September 29, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-30685 Filed 10-1-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Controlled Substances in Schedules I and II; Proposed 1980 Aggregate Production Quota for Tetrahydrocannabinols

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

The National Cancer Institute has recently undertaken an expanded research program to investigate the usefulness of tetrahydrocannabinols in the control of emesis resulting from the treatment of cancer. In order to supply researchers with this basic class, the Institute is arranging to have tetrahydrocannabinols produced. Before any tetrahydrocannabinols may be produced by a registered manufacturer, an aggregate production quota must be established and a manufacturing quota issued to the manufacturer. The Pharmaceutical Resources Branch, Division of Cancer Treatment of the National Cancer Institute has provided the Drug Enforcement Administration with a preliminary estimate of 5 kg. to be produced in 1980 for research under its auspices. However, any production in 1980 will depend on the success of preliminary work to be performed by the manufacturer.

Therefore, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, hereby proposes that the 1980 aggregate production quota for tetrahydrocannabinols, expressed in grams, be established as follows:

Basic class	Proposed quota[1]
Tetrahydrocannabinols	5,000

[1] Proposed 1980 aggregate production quota.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by 11-4-80. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Adminstrator finds, in his sole discretion, warrant a hearing, the Administrator will have published in the **Federal Register** an order for a public hearing which will summarize the issues to be heard and which will set the time for the hearing (which will not be less than 30 days after the date of the order).

Dated: September 25, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-30622 Filed 10-1-80; 8:45 am]

BILLING CODE 4410-09-M

LEGAL SERVICES CORPORATION

Grants and Contracts

September 29, 1980

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Fresno-Merced Counties Legal Services in Fresno, California, to serve Tuolumne and Mariposa Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, San Francisco Regional Office, 177 Post Street, Suite 890, San Francisco, CA 94108.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-30705 File 10-1-80; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-40]

Reports, Recommendations, and Responses; Availability

Accident Reports

Aviation

The National Transportation Safety Board on September 22 released a series of 11 accident report publications which group 1978 civil aviation accident findings by kind of flying, type of aircraft or accident, or accident cause.

Ten of the eleven reports include computer-printout accident "briefs" which give the basic accident facts,

probable cause, and contributing factors, if any, for all of the 1978 accidents in each category. Statistical tables analyze the accidents by type, injury, and cause. All of these 10 reports cover general aviation and are entitled *Briefs of Accidents Involving*—

Midair Collisions (NTSB-AMM-80-2); includes 35 accident files, 23 of which involve fatal accidents.

Turbine Powered Aircraft (NTSB-AMM-80-3); includes 157 accident briefs, 43 of which involve fatal accidents.

Rotorcraft (NTSB-AMM-80-4); includes 322 accident briefs, 56 of which involve fatal accidents.

Weather as a Cause/Factor (NTSB-AMM-80-5); includes 322 fatal accidents in the brief format.

Alcohol as a Cause/Factor (NTSB-AMM-80-6); includes 50 accident briefs, 46 of which involve fatal accidents.

Missing and Missing Later Recovered Aircraft (NTSB-AMM-80-7); includes 89 accident briefs, 23 of which cover missing aircraft not recovered and 66 missing later recovered.

Corporate/Executive Aircraft (NTSB-AMM-80-8); includes 87 accident briefs, 23 of which involve fatal accidents.

Amateur/Home Built Aircraft (NTSB-AMM-80-9); includes 151 accident briefs, 48 of which involve fatal accidents.

Aerial Application Operations (NTSB-AMM-80-10); includes 456 accident briefs, 28 of which involve fatal accidents.

Commuter Air Carrier and On-Demand Air Taxi Operations (NTSB-AMM-80-11); includes 55 commuter air carrier and 216 on-demand air taxi accident briefs.

The eleventh publication in this series, *Listing of Accidents/Incidents by Aircraft Make and Model, U.S. Civil Aviation, 1978* (NTSB-AMM-80-1), includes the file number, aircraft registration number, date and location of the accident, aircraft make and model and injury index for all 4,675 accidents/incidents occurring during calendar year 1978. Briefs of accidents are not included.

Pipeline

Safety Effectiveness Evaluation of the Materials Transportation Bureau's Pipeline Data System (NTSB-SEE-80-4).—This Safety Board study, released September 22, evaluates the management and the use by the U.S. Department of Transportation of its gas pipeline data system, and examines the types of data collected, how the system operates, and how the DOT uses it to promote public safety regarding gas piplines. The study also evaluates the changes to the system that are currently being considered by the DOT and whether further changes are required.

The evaluation notes that Materials Transportation Bureau staff resources are limited, and that, consequently, use of the data to direct and focus resources is essential for the effective and efficient administration of the Pipeline Safety Act. The Safety Board concluded, however, that the data currently collected are often inaccurate and are not representative of gas pipeline operators and gas pipeline accidents. Furthermore, the system is seldom used by MTB offices in carrying out their regulatory and enforcement functions, and there is little coordination regarding the system between the Safety Data Management Branch and the regulation and enforcement offices. The study found that the MTB does not have a pipeline data analysis plan, which the Safety Board believes is necessary to coordinate and direct the MTB offices in the use of the data system as a management tool.

As a result of this evaluation, the Safety Board on August 20 recommended that the Materials Transportation Bureau of the Research and Special Programs Administration of the U.S. Department of Transportation: (1) develop a formal data and analysis plan for the MTB pipeline data system, (2) expedite creation of a proposed Office of Regulatory Planning and Analysis, and define responsibilities for the analysis plan, (3) postpone revision of data forms pending development of the analysis plan, (4) develop explicit directions for data forms to improve the quality of information they provide, and (5) train personnel to more effectively validate incoming leak report forms. (Recommendations P-80-61 through -65; see 45 FR 58734, September 4, 1980.)

Railroad

Derailment of Amtrak Train No. 7, the Empire Builder, on Burlington Northern Track, Glacier Park, Montana, March 14, 1980 (NTSB-RAR-80-6).—The Safety Board's investigation report, released September 22, shows that the Empire Builder derailed two locomotive units and eight cars while moving at 37 mph through a 6°08′ curve on the Burlington Northern track. Of the 170 passengers and 20 crewmembers, 115 persons were injured; 35 of the injured were hospitalized. Property damage was estimated to be $546,800.

The Safety Board determined that the probable cause of this accident was the overturning of the outside rail of a 6°08′ curve because the improperly maintained track could not sustain the lateral force generated by the acceleration of the locomotive in the curve. Contributing to the derailment was the failure of the railroad to issue a temporary slow order pending replacement of several defective rails.

As a result of its investigation of this accident, the Safety Board on August 15, 1980, recommended that National Railroad Passenger Corporation (Amtrak) prohibit the use in revenue service trains of passenger train cars with defective conditions that may affect their safe operation (R-80-30); that the Federal Railroad Administration establish minimum safety standards for the inspection and maintenance of railroad passenger cars (R-80-31) and prohibit the use of defective passenger cars in revenue service trains (R-80-32); and that Burlington Northern insure that its track supervisors and inspectors protect against conditions affecting safety of railway operations while planning to correct, or correcting, defective track conditions (R-80-33). (See also 45 FR 57606, August 28, 1980.)

Also, as indicated in the investigation report, the Safety Board reiterates and reemphasizes the importance of the following recommendation made to the Burlington Northern and Amtrak as the result of a previous accident on the Burlington Northern, the accident which occured at Lohman, Montana, March 28, 1979:

> Establish quality control over standards for the servicing of rolling stock maintained by contractual agreements or by Amtrak's own facilities, and correct any existing discrepancies. (R-79-59)

In addition, the Safety Board reiterates the following recommendation to the Federal Railroad Administration, issued as a result of investigation of Amtrak train derailment on the Louisville and Nashville Railroad at Pulaski, Tennessee, October 1, 1975:

> Require that rail passenger equipment be fitted with roof hatches so that passengers can escape through the ceiling of a car which is lying on its side. (R-76-21)

Railroad Accident Reports—Brief Format, Issue Number 1 1979 (NTSB-RAB-80-3).—This publication, released by the Safety Board on September 24, contains briefs of selected railroad accidents occurring in U.S. railroad operations during fiscal years 1977 and 1978. The brief format presents basic facts, conditions, circumstances, and probable cause(s) in each instance. Additional statistical information is tabulated by types of accidents and casualties related to types of accidents, carriers involved, and causal factors. Copies of Issue No. 1 may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

Note.—The brief reports in this publication contain essential information; more detailed data may be obtained from the original

factual reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 20 cents per page for printed matter, 65 cents per page for black-and-white photographs, and $4.37 per page for color photographs, plus postage. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Responses to Safety Recommendations

Aviation

A-80-50, from the Federal Aviation Administration, September 15, 1980.—Response is made to a recommendation issued June 17 following investigation of the ditching in Santa Monica Bay, March 10, 1979, of an Aerospatiale Nord 262. The Safety Board cited as one of the causal factors in the accident an inadvertent autofeather of the right propeller. The recommendation asked FAA to issue an Advisory Circular or by other appropriate means advise operators of specific illustrations of failures and malfunctions which should be reported to the Service Difficulty Reporting Program under provisions of 14 CFR 121.703(c) and 14 CFR 135.415(c), regardless of phase of ground operation or flight at which they occur, and, as a minimum among those illustrations, include propeller malfunctions, inadvertent autofeather systems activation, and engine component structural failure.

In response, FAA notes that a staff study, instituted several years ago to update §§ 121.703 and 135.415 so that reporting requirements could be made compatible with today's aviation environment, has now been completed. This study examined the language for any needed clarification and evaluated items which could be deleted or consolidated with other reportable items, as well as considered new items which should be required to be reported. A regulatory review is now planned in order to summarize and evaluate the reporting requirements. When the review is completed, and appropriate sections of the regulations updated, FAA will evaluate the desirability of publishing an Advisory Circular, as recommended by the Board.

Marine

M-78-81, from the United States Coast Guard, August 28, 1980.—Letter is in response to the Safety Board's comments of last October 18 concerning Coast Guard's previous response of August 17 (44 FR 53320, September 13, 1979). This was one of seven recommendations developed as a result of investigation of the collision of the SS SITALA with a number of moored vessels in the Mississippi River in New Orleans, La., July 28, 1977. Recommendation M-78-81 asked Coast Guard to amend 46 CFR 58.25 and 33 CFR Part 164 to require that all vessels be equipped with test devices which will indicate whether the steering gear is operating properly and to require that operating parameters, test procedures, and maintenance records be made available to crewmembers and inspectors during inspections and tests, including those required by 46 CFR 35.20-10, 78-17-15, and 97.15-3, and by 33 CFR 164.25, so that proper evaluations can be made regarding the machinery's operation.

The Safety Board's October 18, 1979, comments on Coast Guard's initial response to recommendation M-78-81 notes that although the Board endorses steering gear tests because they are prudent and operationally easy to perform, it must be recognized that such tests have been routinely performed in the past and have not revealed impending failures. The Board notes that after the SITALA accident the crew inspected and operated the steering gear and could find nothing wrong. Coast Guard permitted the ship to proceed under tug escort and about 5 hours later, the SITALA lost steering again. It is evident that "operational tests" do not provide an adequate level of assurance that the steering gear is in satisfactory condition. All machinery deteriorates with time and operation and the manufacturer normally specifies limits on such wear in measurable terms so that preventive maintenance may be applied to avoid unexpected failures. The principle and practice of providing operating and maintenance personnel with a means to ascertain when corrective action is needed has been well established; this principle should be applied to steering gear.

Coast Guard's August 28 letter expresses the belief that regulatory project Docket No. 79-038B will suffice as an acceptable alternative to recommendation M-78-81. This regulatory project is currently undergoing internal review and is expected to be published in the fall of 1980. Coast Guard proposes to amend its regulations pertaining to steering tests and require emergency drills for all self-propelled vessels of 1,600 gross tons or greater when they are operating in the navigable waters of the United States. In general terms the proposal is expected to provide for the following:

(a) No vessel 1,600 gross tons or over will be permitted to enter into or get underway on the navigable waters of the United States unless, within 12 hours before doing so, the following equipment has been operationally tested:

(1) The main steering geer.

(2) The auxiliary steering gear.

(3) Each remote steering gear control system.

(4) Each steering position on located on the navigation bridge.

(5) The main steering gear from the emergency power supply.

(6) Each rudder angle indicator.

(7) Each remote steering gear control system power failure alarm.

(b) Checks and tests will be required as follows:

(1) The full movement of the rudder according to the required capabilities of the steering gear.

(2) A visual inspection of the steering gear and its connecting linkage.

(3) The operation of the means of communications between the navigating bridge and the steering gear compartment.

(4) The operation of the means of communication between the navigating bridge and the engineroom.

(5) The Whistle.

(c) Simple operating instructions with a block diagram showing the changeover procedures for remote steering gear control systems and steering gear power units will be required to be permanently and conspicuously displayed both on the bridge and in the steering gear compartment.

(d) In addition to routine tests and checks previously described, emergency steering drills will be required at least every three months in order to practice emergency steering procedures. These drills will include: direct control from the steering gear compartment, the communication procedures with the navigating bridge and the operation of alternative power supplies.

(e) Foreign vessels will be required to conduct an emergency steering drill within the three months just prior to entry into U.S. navigable waters and record a summary of this drill in the official vessel log book. Thereafter, each vessel will be required to comply with all requirements in paragraphs a, b, c, and d, while operating in the U.S. navigable waters.

(f) Manufacturer's manuals and vessel and maintenance records for the steering gear and related equipment will be required to be available at all times to crewmembers and U.S. Coast Guard Marine Inspectors.

M-79-102, from the Chief of Naval Operations, Department of the Navy, September 10, 1980.—Letter is in response to the Safety Board's August 15 request for a status report on this recommendation, issued last October 18 following investigation of the capsizing and sinking of the mobile offshore drilling unit *OCEAN EXPRESS* near Port O'Conner, Texas, on April 15, 1976. (See 44 FR 62972, November 1, 1979.) The recommendation asked that the Chief of Naval Operations authorize the unclassified transmission of weather observations to the National Weather Service from U.S. Navy vessels operating within the U.S. Economic

Zone adjacent to the contiguous continental United States when the observed wind speed equals or exceeds 33 knots or when the combined sea height equals or exceeds 12 feet.

In response, the Chief of Naval Operations lists the current Navy practices with regard to the transmissions of weather observations from ships, as follows:

(a) All unclassified surface weather observations are provided to the National Weather Service on a routine basis by the Fleet Numerical Oceanography Center (FLENUMOCEANCEN), Monterey, California;

(b) all ships are required to transmit three hourly surface weather observations when the wind speed exceeds 33 knots; and

(c) weather observations are classified the same as the ship's movement order.

The September 10 response indicates that thus, with the exceptions of ship's on a classified movement, the Navy is meeting the requirements of recommendation M-79-102. Correspondence, discussing the above practives and vertifying the availability of U.S.S. *LEXINGTON's* observations during the *OCEAN EXPRESS* incident, was directed to the National Weather Service in November 1978. In February 1979, a proposal was made to the National Weather Service in which a 2°x2° area around classified Navy ships whose reported wind speed exceeds 30 knots could be "flagged" by the FLENUMOCEANCEN computers. These reports could then be listed in a special ship collective to draw the attention of the National Weather Service forecasters. However, the National Weather Service did not respond to this proposal. The Chief of Naval Operations reports that his staff is currently working with the National Weather Service in examining other methods of providing data from Navy ships on classified movement in areas of severe weather.

Pipeline

P-76-49 through -55, from The Nebraska Natural Gas Company, August 26, 1980.—Letter acknowledges the Safety Board's letter of August 12 commenting on the gas company's previous response of June 19 (45 FR 45422, July 3, 1980) concerning recommendations developed as a result of investigation of the natural gas explosion and fire at the Pathfinder Hotel in Fremont, Nebr., January 10, 1976.

In answer to the Board's request, Nebraska Natural Gas forwarded to the Board a copy of its red "Emergency Operations Plan" booklet. The booklet contains the instructions and names and telephone numbers of the company's personnel to be contacted in the event of an emergency. It applies to the Fremont District which includes the towns of Fremont, Cedar Bluffs, Hooper, and Scribner, Nebr. The company has similar booklets for all towns served in its other three districts. Copies are filed with local authorities where necessary.

The Safety Board's August 12 letter notes that recommendations P-76-49 and P-76-51 through -55 have been classified as "Closed—Acceptable Action." Recommendation P-76-50 has been classified as "Closed—Acceptable Alternate Action," as the objective of eliminating compression coupling pullouts should be gained through the joining procedures described in the company's response of June 19. The Safety Board on September 23 acknowledged receipt of the company's "Emergency Operations Plan" booklet.

P-80-31 through -33, from the United States Coast Guard, August 26, 1980.—Response is to recommendations issued May 7 as a result of investigation into the explosion caused by liquefied natural gas (LNG) at the Columbia LNG Corporation, Cove Point, Md., October 6, 1979. (See 45 FR 32148, May 15, 1980.)

Coast Guard partially concurs with recommendation P-80-31 which called for regulations requiring periodic fire and emergency drills at LNG reception facilities, the drills to provide realistic training exercise. Coast Guard reports working with the Materials Transportation Bureau under a mandate from the Secretary of Transportation to develop identical fire protection requirements for all LNG reception facilities. Coast Guard notes that MTB issued a notice of proposed rulemaking on February 11, 1980, proposing safety standards for LNG facilities (45 FR 9184). The proposal calls for the LNG facility to establish a written training program for initial instruction of facility personnel in proper fire prevention and fire control procedures. It also proposes that a written program be established to keep facility personnel current on the training they gained under the initial training program. Coast Guard says it will require that these training programs be part of the contents of the facility Operations Manual and that this Manual be submitted to the local Coast Guard Captain of the Port, who will review for compliance with the regulations. During this review, the Captain of the Port will review the adequacy of the LNG facility's training programs. As part of this review, the Captain of the Port will be instructed to review the facility's plans for use of fire and emergency drills as part of the continuing training program. Because of the variations in facility operations, fire control equipment, and geographic situation, the Coast Guard considers Federal regulations detailing specific types of fire and emergency drills to be impractical.

Recommendation P-89-32 called for regulations which establish criteria to ensure the adequate physical protection of fire water mains and the installation of sufficient isolation valves to prevent the system from becoming compromised because of a break in any single part of the fire water system. Coast Guard concurs with this recommendation and reports that an NPRM proposing requirements at all waterfront facilities is currently being drafted. As part of this fire main system, the Coast Guard is proposing the inclusion of an emergency fire pump capable of meeting the minimum water discharge requirements for at least 4 hours and of operating during loss of electrical power at the facility. Additionally, use of isolation valves in the fire main system will also be proposed. Publication of the NPRM is expected in late fall 1980 under Docket Number 77-128.

Recommendation P-80-33 called for regulations requiring the posting of a diagram or other means to illustrate the location of all firefighting equipment and systems including the fire water main and its isolation valves at key locations through LNG reception facilities. Coast Guard concurs with this recommendation and is proposing this requirement as part of the contents in the LNG facility Operations Manual. Additionally, Coast Guard reports that the MTB operations regulations proposed in the February 11, 1980, NPRM require appropriate local law enforcement officials be kept advised of the LNG facility fire control equipment, its location, and quantity. The Coast Guard proposed to adopt this requirement by reference in its NPRM for LNG waterfront facilities. Publication of this NPRM is expected in late fall 1980 under Docket Number 78-038.

Safety Board Comments on MTB Rulemaking Proposal

The Safety Board on September 15 submitted comments to the Materials Transportation Bureau, U.S. Department of Transportation, concerning MTB's notice of proposed rulemaking, "Shippers: Specifications for Tank Cars," Docket No. HM-174, Notice No. 80-6, published at 45 FR 48671 on July 21, 1980. The Safety Board notes that the proposed requirements that newly built specification 105 tank cars be equipped with shelf couplers, tank head puncture

resistance systems and thermal protection, and that all other specification tank cars be equipped with shelf couplers, are substantially responsive to Safety Board recommendations R-80-10 and -11, issued last March 12 (45 FR 18211, March 20, 1980). However, the Board is concerned that the proposed deadlines for retrofitting specification 105 tank cars with shelf couplers do not reflect the sense of urgency which is warranted by the demonstrated risk of potentially catastrophic release of hazardous materials from these tank cars in train accidents.

Since November 1978, the Safety board has repeatedly called upon the Department of Transportation to implement a shelf coupler retrofit program for specification 105 tank cars. Despite repeated assurance that the necessary rulemaking action was forthcoming, rulemaking has yet to be completed. The Board identified the need for shelf couplers on specification 105 tank cars in its investigation of a derailment that occurred near Youngstown, Fla., February 26, 1978. In that derailment, chlorine gas, which escaped from a punctured specification 105 tank car, killed 8 persons and injured 138. As a result of its investigation, the Board recommended on November 22, 1978, that DOT require installation of shelf couplers on all specification 105 tank cars "as soon as possible" (Recommendation R-78-58; 43 FR 59558, December 21, 1978)

The Board notes that the shelf coupler requirement for specification 105 tank cars, which required only five lines in the **Federal Register** when the proposal was issued in July 1980, has been delayed repeatedly and unnecessarily. Had a final rule been issued promptly following recommendation R-78-58 and the Federal Railroad Administration's official recognition of the need for such a requirement, the retrofit of existing specification 105 tank cars could already have been completed and the implementation of other tank car safety improvements could now be getting underway

Further, the Board notes that the retrofit schedule now proposed would permit specification 105 tank cars transporting hazardous materials to continue operating without shelf couplers until December 31, 1981. This additional delay would prolong the risk to the public of loss of life, serious injury, and damage to property and the environment from preventable releases of hazardous materials in train accidents. It is clearly in the public interest to complete the shelf coupler retrofit of specification 105 tank cars as soon as possible. When a shelf coupler retrofit program was established for specification 112 and 114 tank cars, more than 16,000 tank cars were equipped with shelf couplers within 6 months, and another 800 were in shops for retrofit. Testimony at the Safety Board's public hearing into derailments and hazardous materials in April 1978 indicated that the scheduling of extra shifts in repair shops could have made it possible to complete the retrofit even more quickly

While the Board had hoped that its recommended December 25, 1980, target completion date could be attained if expedited action were taken, it will now be difficult because of delays in the regulatory process. The Board urges DOT to promptly issue a final rule requiring installation of shelf couplers on all specification 105 tank cars on an accelerated basis so that these important safeguards for reducing the potential for catastrophic release of hazardous materials in train accidents will not be delayed any longer

Similarly, the Board believes that a shelf coupler requirement for all other hazardous materials tank cars can be completed earlier than the December 31, 1984, proposed deadline, and this program could be accelerated even further if the specification 105 shelf coupler retrofit is expedited.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer

September 29, 1980.

[FR Doc. 80-30692 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Revision 1 to Regulatory Guide 1.144, "Auditing of Quality Assurance Programs for Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to auditing of quality assurance programs for nuclear power plants. It endorses, with certain exceptions, ANSI/ASME N45.2.12-1977, "Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants." This guide has been revised as a result of public comment and additional staff review.

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 24th day of September 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-30539 Filed 10-1-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

President's Commission for a National Agenda for the Eighties; Meeting

September 26, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the President's Commission for a National Agenda for the Eighties, is scheduled for October 16, 1980 from 9:00 a.m. to 6:00 p.m. in Washington, D.C. The meeting will be held in the New Executive Office Building, room 2008, 17th Street and Pennsylvania Avenue, NW.

The purpose of the meeting is to discuss elements of the Commission's report.

Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006. (202) 275-0616.

Brenda Mayberry,

Acting Budget and Management Officer.

[FR Doc. 80-30540 Filed 10-1-80; 8:45 am]

BILLING CODE 3110-01-M

Agency Forms Under Review

September 29, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201.

New Forms

- Animal and Plant Health Inspection Service

7 CFR 353—Phytosanitary export certification
PPQ 572, 577, 578, 579
On occasion
Exporters of domestic plants and plant products; 143,800 responses, 23,008 hours
Charles A. Ellett, 395-7340

Revisions

- Economics, Statistics, and Cooperatives Service

Turkey Hatchery Report
Monthly
Turkey hatcheries; 3,304 responses, 439 hours
Office of Federal Statistical Policy and Standard, 673-7974

Economics, Statistics, and Cooperatives Service
Pullet chicks for hatchery supply flocks
Monthly
Chicken breeders; 300 responses, 30 hours
Office of Federal Statistical Policy and Standard, 673-7974

Farmer's Home Administration
7 CFR 1942-A, Community Facility Loans
On occasion
Public bodies and nonprofit organizations; 10,541 responses, 6,215 hours
Charles A. Ellett, 395-7340

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

- Bureau of the Census

Magnesium mill products
MA-33G
Annually
Manufacturers of magnesium mili products; 11 responses, 6 hours
Office of Federal Statistical Policy and Standard, 673-7974

Revisions

- Bureau of the Census

Confectionery
M-20C, M20C.2
Monthly
Confectionery manufacturers; 2,400 responses, 600 hours
Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697-1195

New Forms

• Departmental and other
1980 Post-election voting survey
Single time
U.S. citizens residing overseas; 7,500 responses, 1,875 hours
Kenneth B. Allen, 395-3785

Revisions

• Departmental and other
DOD industrial preparedness program—production
Planning schedule
DD 1519
Annually
Manufacturers of military items; 7,000 responses, 7,000 hours
Kenneth B. Allen, 395-3785

Extensions

• Department of the Air Force
Material requirements list (MRL) AFLCR 65-1 chapter 4
Quarterly
Contract maintenance of Air Force equipment; 1,848 responses, 31,416 hours
Edward C. Springer, 395-4814

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245-7488

New Forms

• National Institutes of Health
American attitudes toward abortion
Single time
Persons 18 years of age and over; 1,600 responses, 800 hours
Office of Federal Statistical Policy and Standard, 673-7974

Public Health Service
Supplement to Round 5 NMCUES interview
Single Time
Nat'l Samp. of 6000 HH'S, 4000 medicaid HH'S in 4 Lge. Sts.; 10,000 responses, 92 hours
Office of Federal Statistical Policy and Standard, 673-7974

Social Security Administration
Quarterly estimate of expenditures and allotment need
SSA-4474
Quarterly
States, D.C., and tribes which receive a grant; 336 responses, 1,344 hours
Barbara F. Young, 395-6880

Revisions

• Social Security Administration
Financial Status Report for Fiscal Year 1981 Low Income Energy Assistance
SSA-4217
Quarterly
Agency of States and Headquarters of Ind. Tribes Rpt. ea. of Co. of LIEAP; 324 responses, 1,296 hours
Barbara F. Young, 395-6880

Extensions

• Health Care Financing Administration (Medicare)
Demonstration project for calculating adjusted average
Per capita costs for Hmo's
HCFA-123-T, 123-L
On occasion
Nursing, rest and convalescent homes, and long term hosp.; 350 responses, 117 hours
Eisinger, Richard, 395-6880

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

Revisions

• Housing Production and Mortgage Credit
Application by Indian Housing Authority for Indian
Low-income housing program
HUD-52730
On Occasion
Statutorily or Tribally Created Indian Housing Authorities; 150 responses, 1,200 hours
Richard Sheppard, 395-6880

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523-6341

Extensions

• Employment and Training Administration
Employer services acitivity report
ETA 520 (formerly MA 5-20)
Monthly
Sesa's; 624 responses, 2,569 hours
Arnold Strasser, 395-6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor, Acting—426-1887

New Forms

• Federal Railroad Administration
Motive power and equipment inspection report
FRA-F, 6180-59, FRA-F, 6180-59A-Continued
On occasion
State employees (inspectors); 6,014 responses, 6,014 hours
Hayward, Corinne D., 395-7340

Revisions

• Federal Aviation Administration
Procedures for non-Federal navigation facilities
FAA 198, 6030-1, 418, and 6790-4
On occasion
Owners of air navigation aids; 29,972 responses, 19,132 hours
Hayward, Corinne D., 395-7340

NATIONAL ENDOWMENT FOR THE ARTS

Agency Clearance Officer—Paul G. Zarbock—634-6160

New Forms

• Planning Study for Crafts-Artists Survey
Single time
Exhibitors, subscriber, crafts organ. members; 900 responses, 450 hours
Laverne V. Collins, 395-6880

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4692

New Forms

• Use of RRB Monthly Benefit Statistics
T-1
Single time
RR Labor and Mgmt. Officials, Gov. Agencies; 1,709 responses, 114 hours
Barbara F. Young, 395-6880

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—857-2596

Revisions

• Heat Pump Dealer/Well Driller Questionnaire
TVA 6230, (PU 1078)
On occasion
Heat pump dealer/well driller dealerships; 30 responses, 15 hours
Charles A. Ellet, 395-7340

• Heat Pump Financing Plan Forms
TVA 6230C, D, E, G, H, J, and K
Single time
Electric customers installing heat pumps; 5,000 responses, 3,750 hours
Charles A. Ellett, 395-7340

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523-0267

Reinstatements

• Color Television Receivers and Subassemblies (Producers' Annual Survey)
Annually
U.S. producers of color TV receivers; 14 responses, 840 hours
Phillip T. Balazs, 395-4814

• Color Television Receivers (Importers' Annual Survey)
Annually
U.S. importers of color TV receivers; 20 response, 400 hours
Phillip T. Balazs, 395-4814

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389-2146

Revisons

• Shop Data Sheet (Artificial Limbs)
10-2793
On occasion
Artificial limb manufactures; 30 responses, 10 hours
Laverne V. Collins, 395-6880

• Application for a Grant
10-1494 and 10-1494-4
Annually
Colleges and university; 80 responses, 1,400 hours
Laverne V. Collins, 395-6880

• State of Accredited Representative in Appealed Cases
L-646
On occasion
Accredited representatives of service organizations; 28,000 responses, 28,000 hours
Laverne V. Collins, 395-6880

• Apeal to the Board of Veterans Appeals
L-9
On occasion
Appellants for VA benefits; 35,000 responses, 35,000 hours
Laverne V. Collins, 395-6880

Extensions

• Financial Status Report
4-5655
On occasion
Debtors; 200,000 responses, 100,000 hours
Laverne V. Collins, 395-6880

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80-30674 Filed 10-1-80; 8:45 am]
BILLING CODE 3110-01-M

Privacy Act Notice of New Systems

September 29, 1980.

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effects on such proposals on the privacy and other personal or property rights of individuals . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personal information into the new or altered systems, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between August 8, 1980 and September 25, 1980. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

Department of Justice

System Name: Public Complaints and Inquiries File.

Report Date: August 21, 1980.

Point of Contact: Administrative Counsel, Justice Management Division, Department of Justice, Washington, D.C. 20530.

Summary:

The Antitrust Division of the Department of Justice proposes to establish a new system of records consisting of a file of all unsolicited complaints and inquiries from the general public. The purpose of the file is to facilitate timely, complete responses to initial and subsequent contacts. Some of these contacts will serve to further Antitrust investigations in progress or to initiate an investigation for enforcement purposes. Complaints and inquiries may be referred to other Federal or State and local agencies if deemed appropriate to assure complete action on the matter.

Department of Housing and Urban Development

System Name: Single Family Homes Management Underwriting System.

Report Date: August 21, 1980.

Point of Contact: Robert English, (Department Privacy Act Officer, Department of Housing and Urban Development, Washington, D.C. 20410.

Summary:

The Department of Housing and Urban Development proposes to amend an existing system of records to increase the type of individuals upon whom records are maintained. The proposed modification adds to the system fee appraiser, fee mortgage credit examiners, fee inspectors, mortgagors, and HUD employees involved in the single-family underwriting process. The amendment also increases the scope of categories of records maintained by adding Minority Business Enterprise Code, territory and workload as categories of records. The records in this system will be used to aid in the processing of mortgagee applications for property appraisal and commitment for HUD/FHA mortgage insurance and to aid in the subsequent administration of HUD/FHA mortgage insurance programs.

U.S. Consumer Product Safety Commission

System Name: CPSC Management Information System.

Report Date: August 20, 1980.

Point of Contact: Joseph F. Rosenthal, Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207.

Summary:

The Consumer Product Safety Commission proposes to alter its use of an existing information management system in such a way that will make it a system of records. Currently, no information is being retrieved from the system by personal identifier. The Commission proposes to modify its practices and retrieve information on an individual basis. Specifically, the Commission will retrieve information on the time charged by individual employees to projects. The data will be used to prepare periodic printed reports showing resource allocations.

Department of Defense

System Name: NSA/CSS Personnel Files.

Report Date: August 19, 1980.

Point of Contact: The Executive Secretary, Defense Privacy Board, Room 818, Pomponio Plaza Building, 1735 North Lynn Street, Arlington, VA 22209.

Summary:

The National Security Agency proposes to amend an existing system of records by adding a new category of individuals: employees of contractors who are assigned to certain NSA field activities. In addition, the NSA proposes to provide a remote terminal access to certain personnel files for specific NSA field activities.

System Name: NSA/CSS Personnel Security File.

Report Date: August 19, 1980.

Point of Contact: The Executive Secretary, Defense Privacy Board, Room 818, Pomponio Plaza Building, 1735 North Lynn Street, Arlington, VA 22209.

Summary:

The National Security Agency proposes to amend an existing system of records by adding a new routine use

which will permit disclosure of information relevant to a security purpose to the parent governmental or private employer of persons assigned to or affiliated with the NSA.

System Name: NSA/CSS Training.

Report Date: August 19, 1980.

Point of Contact: The Executive Secretary, Defense Privacy Board, Room 818, Pomponio Plaza Building, 1735 North Lynn Street, Arlington, VA 22209.

Summary:

The National Security Agency proposes to amend an existing system of records by adding to its training file a formatted record of military cryptolinquist resources and by automating that new category of records.

Brenda A. Mayberry,

Acting Budget and Management Officer.

[FR Doc. 80-30815, Filed 10-1-80; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-7919]

Howell Petroleum Corp., Common Stock, Par Value $1; Application To Withdraw From Listing and Registration

September 26, 1980.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities and Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Howell Petroleum Corporation (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on August 14, 1980, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE, and believes that dual listing would fragment the market for its common stock.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before October 20, 1980, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-30524 Filed 10-1-80; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

September 26, 1980.

The above named national securities exchange has filed applications with the Securities with the Securities Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Modular Computer Systems, Inc., Common Stock, Par Value $.05 (File No. 7-5737).

Source Capital, Inc., Common Stock, Par Value $1 (File No. 7-5738).

Howell Corporation, Common Stock, Par Value $1 (File No. 7-5739).

Howell Petroleum Corporation, Common Stock, Par Value $1 (File No. 7-5740).

These securities are listed and registered on one or more other national securities exchanges and are reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 20, 1980 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-30527 Filed 10-1-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17166; File No. SR-MSRB-80-8]

Municipal Securities Rulemaking Board; Proposed Rule Change; Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 25, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board (the "Board") is filing herewith an amendment to rule A-3 relating to membership on the Board (hereafter referred to as the "proposed rule change"). The text of the proposed rule change is as follows:* Rule A-3 Membership on the Board.

(a) through (e). No change

(f) Vacancies. Vacancies on the Board, [other than one occurring prior to the expiration of an initial member's term of office,] shall be filled by vote of the [remaining] members of the Board, subject to the Commission's power of approval referred to in paragraph (d) of this rule with respect to public representatives. Any person so elected to fill a vacancy [occurring prior to the expiration of the term for which such person's predecessor was elected] shall serve [only for the remainder of such term.] *for the term, or any unexpired portion of the term, for which such person's predecessor was elected. For purposes of this rule, the term "vacancies on the Board" shall include any vacancy resulting from the resignation of any person duly elected to the Board prior to the commencement of his or her term.*

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

*Italics indicate new language; [brackets] indicate deletions.

Purpose of Proposed Rule Change

In May 1980, the Board announced the election of five persons to serve three year terms commencing on October 1, 1980. One of these persons, Mr. William Sachau, Chief Financial Officer of the Los Angeles Department of Water and Power, was elected and would have served as a public member on the Board. On August 11, 1980, Mr. Sachau informed the Board that changed personal circumstances would prevent his serving as a member of the Board. As a result, a new public member must be elected to the Board.

Under rule A-3, a procedure is provided for the election of new members in the event of a vacancy on the Board. The rule provides that in such cases the Board will elect a new member to serve the remainder of the term of such person's predecessor. The rule, however, does not provide explicitly for filling a vacancy in the event a newly-elected member resigns prior to the commencement of his term, which is the situation confronting the Board as a result of Mr. Sachau's resignation.

The proposed rule change amends rule A-3 to provide a procedure for electing new Board members in the situation described above. Under the proposed rule change, the Board is expressly authorized to elect a new Board member in the event a person resigns prior to the commencement of his or her term. Any person so elected who is a public representative would be subject to the approval of the Commission, in accordance with Section 15B(b)(2)(B) of the Securities Exchange Act of 1934, as amended (the "Act").

Basis Under the Act for Proposed Rule Change

The Board has adopted the proposed rule change pursuant to sections 15B(b)(2)(B) and 15B(b)(2)(I) of the Act. The proposed rule change was adopted under the general authority conferred on the Board by section 15B(b)(2)(I) of the Act to provide for the operation and administration of the Board. In addition, section 15B(b)(2)(B) of the Act authorizes the Board to establish procedures for the nomination and election of members of the Board.

Comments Received From Members, Participants and Others on Proposed Rule Change

The Board neither solicited nor received comments on the proposed rule change.

Burden on Competition

The proposed rule change does not affect the conduct of business by any broker, dealer, or municipal securities dealer. The Board therefore believes that the proposed rule change does not impose any burden on competition.

The foregoing rule changes have become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 23, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 25, 1980.

[FR Doc. 80-30526 Filed 10-1-80; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

September 24, 1980.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of: Computervision Corporation, Common Stock, $.05 Par Value (File No. 7-5736).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 15, 1980 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-30525 Filed 10-1-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1928]

Florida; Declaration of Disaster Loan Area

Lafayette County and adjacent counties within the State of Florida constitute a disaster area as the result of a hailstorm on May 25, and drought and severe heat which occurred during the period May 25-June 19, 1980. 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 June 22, 1981: at Small Business Administration, District Office, 400 West Bay Street, Room 261, P.O. Box 35067, Jacksonville, Florida 32202, 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. 80-30686 Filed 10-1-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/01-0293]

Hellman, Gal Capital Corp. Surrender of License

Notice is hereby given that Hellman, Gal Capital Corporation (Hellman, Gal),

One Federal Street, Boston, Massachusetts 02110, incorporated under the laws of the Commonwealth of Massachusetts on May 19, 1978, has surrendered its License No. 01/01-0293, issued by the Small Business Administration on August 21, 1979.

Hellman, Gal has complied with all the conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the surrender of the license of Hellman, Gal is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 26, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-30688 filed 10-1-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/15-0021]

Michigan Capital & Service, Inc.; Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to Section 107.701 of the Regulations governing Small Business Investment Companies (13 CFR 107.701 (1980)) for transfer of control of Michigan Capital & Service, Inc. (Michigan Capital), 580 City Center Building, Ann Arbor, Michigan 48104, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of control of Michigan Capital, which was licensed August 30, 1966, is subject to the prior written approval of SBA.

Pursuant to a Memorandum of Understanding dated August 29, 1980, National Detroit Corporation (National Detroit), agreed in principle to acquire the capital stock of Michigan Capital and to inject $1 million in new capital to enlarge Michigan Capital's equity base.

National Detroit has its principal place of business at 611 Woodward Avenue, Detroit, Michigan 48231 and is a diversified financial services organization whose subsidiaries and affiliates are engaged in commercial and retail banking and financially related services on a world-wide basis. Of ten bank subsidiaries, National Bank of Detroit is the corporation's principal subsidiary. It offers a full range of banking and financial services for consumers, businesses, financial institutions and governments throughout the world.

Assuming consummation of the proposed transfer of control, the management and sole stockholder of Michigan Capital will be:

Henry Bednarz, Jr., 2215 W. Stadium Blvd., Ann Arbor, Michigan 48103, Director.
Gerard L. Buhrman, Jr., 580 City Center Building, Ann Arbor, Michigan 48104, Vice President, Treasurer, Director.
Joseph F. Conway, 580 City Center Building, Ann Arbor, Michigan 48104, President, General Manager, Secretary, Director.
William T. Dobson, 1900 Manchester, Ann Arbor, Michigan 48106, Director.
Cedric V. Fricke, University of Michigan, Dearborn Campus, 4901 Evergreen, Dearborn, Michigan 48124, Director.
Cherlyn S. Lied, 526-½ Dewey Street, Jackson, Michigan 49202, Assistant Secretary.
Michael B. Staebler, 2100 First Federal Building, Detroit, Michigan 48226, Director.
Neil O. Staebler, 309 Washington Square, 202 E. Washington Street, Ann Arbor, Michigan 48104, Director.
Kevin F. Walsh, 611 Woodward Avenue, Detroit, Michigan 48232, Director.
National Detroit Corporation, 611 Woodward Avenue, Detroit, Michigan 48232, Sole Stockholder.

Michigan Capital will retain its corporate name and its office at 580 City Center Building, Ann Arbor, Michigan 48104.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before October 17, 1980 submit written comments on the proposed transfer of control to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will published in a newspaper of general circulation in Detroit, Michigan.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 26, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc.80-30687 Filed 10-1-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Oklahoma City, Oklahoma, will hold a public meeting at 12:00 noon, Friday, November 7, 1980, at the Camelot Inn, Interstate 44 at South Peoria, Tulsa, Oklahoma, to discuss such busines as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Robert K. Ball, Acting District Director, U.S. Small Business Administration, Federal Building—Suite 670, 200 N.W. 5th Street, Oklahoma City, Oklahoma 73102—(405) 231-5237.

Dated: September 29, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-30689 Filed 10-1-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

A-C Generators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO-C98 prescirbes the minimum performance standard that A-C generators must meet in order to be identified with the TSO marking "TSO-C98."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration; Systems Branch, Aircraft Engineering Division, Office of Airworthness—Docket No. TSO-C98, 800 Independence Avenue, SW., Washington, D.C. 20591; **OR DELIVER COMMENTS TO:** Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW.,

Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should indentify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C98 references Society of Automotive Engineers, Inc. (SAE) Aerospace Standard (AS) 8011 dated January 15, 1976, for the minimum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document No. DO–138 dated June 27, 1968, or DO–160A dated January 1980 for the environmental conditions and test procedures. SAE AS 8011 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. 160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30572 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

Airborne Loran-A and Loran-C Receiving Equipment Operating Within the Radio Frequency Ranges of 1800–2000 Kilohertz and 90–110 Kilohertz, Respectively

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C60a prescribes the minimum performance standard that airborne Loran-A and Loran-C receiving equipment must meet in order to be identified with the TSO marking "TSO–C60a."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C60a, 800 Independence Avenue, SW., Washington, D.C. 20591;

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Sytems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m., and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C60a references Radio Technical Commission for Aeronautics (RTCA) Document No. DO–159 dated October 17, 1975, for the minimum performance standard and either RTCA Document No. DO–160 dated February 28, 1975, or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO–159 and DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretarist, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30579 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

Anticollision Light System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C96 prescribes the minimum performance standard that anticollision light systems must meet in order to be identified with the TSO marking "TSO–C96."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C96, 800 Independence Avenue, SW., Washington,D.C. 20591;

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C96 references Society of Automotive Engineers, Inc. (SAE) Aerospace Standard (AS) 8017 dated January 16, 1978, for the minimum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document No. DO–160 dated February 28, 1975, or DO–160A dated

January 1980 for the environmental conditions and test procedures. SAE AS 8017 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO-160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30573 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

Automatic Pressure Altitude Reporting Code Generating Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO-C88a prescribes the minimum performance standard that automatic pressure altitude reporting code generating equipment must meet in order to be identified with the TSO marking "TSO-C88a."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft technical standard order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO-C88a, 800 Independence Avenue, SW., Washington, D.C. 20591;

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C88a references Society of Automotive Engineers, Inc. (SAE) Aerospace Standard (AS) 8003 dated July 1974 for the minimum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document No. DO-138 dated June 27, 1968, or DO-160A dated January 1980 for the environmental conditions and test procedures. SAE AS 8003 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO-160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30576 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

Bank and Pitch Instruments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft "TSO-C4d prescribes the minimum performance standard that bank and pitch instruments must meet in order to be identified with the TSO marking "TSO-C4d."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO-C4d, 800 Independence Avenue, SW., Washington D.C. 20591;

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C4d reference Society of Automotive Engineers, Inc. (SAE), Aerospace Standard (AS) 8001 dated September 1975 for the minmum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document No. DO-138 dated June 26, 1968, or DO-160A dated January 1980 for the environmental conditions and test procedures. SAE AS 8001 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO-160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30586 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

Child Restraint Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C100 prescribes the minimum performance standard that child restraint systems must meet in order to be identified with the TSO marking "TSO–C100.".

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESSES: Send all comments on the draft Technical Standard Order to:

Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C100, 800 Independence Avenue, SW., Washington, D.C. 20591;

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olsen, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C100 references Federal Motor Vehicle Safety Standard (MVSS) No. 213 (49 CFR 571.213080; 44 FR 72131) for the minimum performance standard. MVSS No. 213 may be obtained (or purchased) from the National Highway Traffic Safety Administration (NHTSA), Docket Section, Room 5108, 400 9th Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–30571 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–13–M

Distance Measuring Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C66b prescribes the minimum performance standard that distance measuring equipment (DME) must meet to be identified with the TSO marking "TSO–C66b."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C66b, 800 Independence Avenue, SW., Washington, D.C. 20591;

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washinton, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposal TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C66b references Radio Technical Commission for Aeronautics (RTCA) Document No. DO–151A dated November 1978 for the minimum performance standard and either RTCA Document No. DO–160 dated February 28, 1975, or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO–151A and DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–30578 Filed 10–1–80; 8:45]

BILLING CODE 4910–13–M

Gas Turbine Auxiliary Power Units

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C77a prescribes the minimum performance standard that gas turbine auxiliary power units must meet in order to be identified with the TSO marking "TSO–C77a."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to:

Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C77a, 800 Independence Avenue, SW., Washington, D.C. 20591;

OR DELIVER TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposal TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact."

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30577 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

Mach Meter

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO-C95 prescribes the minimum performance standard that mach meters must meet in order to be identified with TSO marking "TSO-C95."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESSES: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO-C95, 800 Independence Avenue, SW., Washington, D.C. 20591;

OR DELIVER COMMENTS TO: Room 335, 800 Independenc Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m., and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C95 references Society of Automotive Engineers, Inc. (SAE) Aerospace Standard (AS) 8018 dated October 1978 for the minimum performance standard and either RTCA Document No. DO-160 dated February 28, 1975, or DO-160A dated January 1980 for the environmental conditions and test procedures. SAE AS 8018 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO-160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30574 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

Omega Receiving Equipment Operating Within the Radio Frequency of 10.2 to 13.6 Kilohertz

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO-C94a prescribes the minimum performance standard that Omega receiving equipment must meet in order to be identified with the TSO marking "TSO-C94a."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO-C94a, 800 Independence Avenue, SW., Washington, D.C. 20591;

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Sytems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m., and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C94a references Radio Technical Commission for Aeronautics (RTCA) Document No. DO-164A dated September 1979 for the minimum performance standard and either RTCA Document No. DO-160 dated February 28, 1975, or DO-160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO-160A and DO-164A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30575 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

Pressure Altimeter Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TXO–C10c prescribes the minimum performance standard that pressure altimeter systems must meet in order to be identified with the TSO marking "TSO–C10c.

DATES: Comments must identify the TXO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C10c, 800 Independence avenue, SW., Washington, D.C. 20591.

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C10c references Society of Automotive Engineers, Inc. (SAE) Aerospace Standard (AS) 8009 dated May 1979 for the minimum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document No. DO–160 dated February 28, 1975, or DO–160A dated January 1980 for the Environmental conditions and test procedures. SAE AS 8009 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–30584 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–13–M

Temperature Instruments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C43a prescribes the minimum performance standard that temperature instruments must meet to be identified with the TSO marking "TSO–C43a."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C43a, 800 Independence Avenue, SW., Washington, D.C. 20591.

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Sytems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m., and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C43a references Society of Automotive Engineers Inc. (SAE) Aerospace Standard AS 8005 dated January 15, 1977, for the minimum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document No. DO–138 dated June 27, 1968, or DO–160A dated January 1980 for the environmental conditions and test procedures. SAE AS 8005 may be purchased from the Society of Automotive Engineers Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–30580 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–13–M

Turn and Slip Instrument

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C3c prescribes the minimum performance standard that turn and slip instruments must meet in order to be identified with the TSO marking "TSO–C3c."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C3c, 800 Independence Avenue, SW., Washington, D.C. 20591.

OR DELIVER COMMENTS TO: Room 335, 800 Independenc Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Sytems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be

inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m., and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C3c references Society of Automotive Engineers Inc. (SAE) Aerospace Standard AS 8004 dated September 1975 for the minimum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document No. DO-138 dated June 27, 1968, or DO-160A dated January 1980 for the environmental conditions and test procedures. SAE AS 8004 may be purchased from the Society of Automotive Engineers Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO-160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30587 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

VOR Radio Receiving Equipment Operating Within the Radio Frequency Range of 108 to 118 Megahertz

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO-C40b prescribes the minimum performance standard that VOR radio receiving equipment must meet in order to be identified with the TSO marking "TSO-C40b."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO-C40b, 800 Independence Avenue, SW., Washington, D.C. 20591.

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C40b references Radio Technical Commission for Aeronautics (RTCA) Document No. DO-153A dated November 1978 for the minimum performance standard and either RTCA Document No. DO-160 dated February 28, 1975, or DO-160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO-153A and DO-160A may be purchased from the Radio Technical Commission for Aeronautics Secretarist, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-30581 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-13-M

VHF Radio Communications Receiving Equipment Operating Within 117.975 to 136.000 Megahertz

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO-C38c prescribes the minimum performance standard that VHF radio communications receiving equipment must meet in order to be identified with the TSO marking "TSO-C38c."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO-C38c, 800 Independence avenue, SW., Washington, D.C. 20591.

OR DELIVER COMMENTS TO: Room 335, 800 Independence avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft engineering Division, Office of Airworthiness, Federal Aviation administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C38c references Radio Technical Commission for Aeronautics (RTCA) Document No. DO–156 dated August 2, 1974, for the minimum performance standard and either RTCA Document No. DO–138 dated June 27, 1968, or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO–156 and DO–160A may be purchased from the Radio Technical Commission for aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–30582 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–13–M

VHF Radio Communications Transmitting Equipment Operating Within 117.975 to 136.000 Megahertz

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C37c prescribes the minimum performance standard that VHF radio communication transmitting equipment must meet in order to be identified with the TSO marking "TSO–C37c.

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C37c, 800 Independence Avenue, SW., Washington, D.C. 20591.

OR DELIVER COMMENTS TO: Room 335, 800 Independence avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C37c references Radio Technical Commission for Aeronautics (RTCA) Document No. DO–157 dated August 2, 1974, for the minimum performance standard and either RTCA Document No. DO–138 dated June 27, 1968, or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO–157 and DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–30583 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–13–M

Vertical Velocity Instrument (Rate-of-Climb)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft Technical Standard Order (TSO).

SUMMARY: The draft TSO–C8c prescribes the minimum performance standard that vertical velocity instruments must meet in order to be identified with TSO marking "TSO–C8c."

DATES: Comments must identify the TSO docket number and be received on or before January 2, 1981.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, Aircraft Engineering Division, Office of Airworthiness—Docket No. TSO–C8c, 800 Independence Avenue, SW., Washington, D.C. 20591.

OR DELIVER COMMENTS TO: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Olson, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposal TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C8c references Society of Automotive Engineers, Inc. (SAE) Aerospace Standard (AS) 8016 dated October 1978 for the minimum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document No. DO–160 dated February 28, 1975, or DO–160A dated January 1980 for the environmental conditions and test procedures. SAE AS 8016 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., on September 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–30585 Filed 10–1–80; 8:45]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Bernalillo County, N. Mex.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Bernalillo County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Dewey O. Lonsberry, District Engineer, Federal Highway Administration, 117 U.S. Courthouse, Santa Fe, New Mexico 87501, Telephone: (505) 988–6255; Luis Duffy, Technical Services Engineer, New Mexico State Highway Department, P.O. Box 1149, Santa Fe, New Mexico 87503, Telephone: (505) 766–4700; or Daniel A. Dunham, Environmentalist, Transportation Department, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103, Telephone: (505) 766–4700.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Mexico State Highway Department, will prepare an Environmental Impact Statement (EIS) on a proposal to realign Coors Boulevard, S.W. in Albuquerque, New Mexico. The realignment, which is approximately two miles in length, begins in the vicinity of the intersection of Coors Road S.W. and Amalia Road S.W. and terminates near the intersection of Coors Road N.W. and Central Avenue. Improvements to the corridor are considered necessary to provide adequate capacity for existing and projected traffic demands, avert future congestion and avoid potential air and noise pollution problems on Central Avenue.

Alternatives under consideration include (1) taking no action; (2) phased construction ultimately to a six lane expressway, if needed; and (3) phased construction ultimately to six lane arterial street, if needed.

No formal scoping meeting is planned at this time. A public hearing will be scheduled upon completion of the Draft EIS. A public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposal and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: September 15, 1980.

Dewey O. Lonsberry,

District Engineer, Santa Fe, N. Mex.

[FR Doc. 80–30304 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Interim Contract Briefing; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on October 21, 1980, to present a progress report on a contracted research study entitled "Improved Low Beam Photometrics." The objectives of the study are to identify light intensity distribution requirements for the low beam headlamp that will help drivers see better at night and to evaluate the performance of the recommended beam pattern.

The meeting will be held in Room 4436 at the DOT Headquarters Building, 400 Seventh Street Southwest, beginning at 1:30 p.m. and lasting until about 3:30 p.m. The briefing, to be presented by the contractor (Highway Safety Research Institute), will consist of a brief overview of the study purpose, a detailed discussion of the rationale for the beam pattern recommended, and a description of the plan for evaluating the beam pattern in the final phase of the study.

Additional information may be obtained from Mr. Michael Perel, Office of Driver and Pedestrian Research, Room 6240, Nassif Building, 400 Seventh Street Southwest, Washington, D.C. 20590, telephone: 202–755–8753.

Issued in Washington, D.C., on September 26, 1980.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 80–30657 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–59–M

Interim Contract Briefing; Notice of Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on November 7, 1980, to present the findings of the first phase of a contracted research study entitled "A Study of the Safety and Cost Benefits to be Derived from Using Retarders in Heavy Duty Commercial Vehicles." The objective of the study is to determine the extent of operational, cost, and safety benefits that can be derived from expanded use of retarders in heavy duty commercial motor vehicles.

The meeting will be held in Room 2230 at the Nassif Building, 400 Seventh Street, Southwest, beginning at 9:00 a.m. The briefing, to be presented by the contractor (University of Michigan/ Highway Safety Research Institute), will consist of a brief overview of the study findings, a detailed discussion of the results, and an opportunity for audience questions.

Additional information may be obtained from Mr. Robert M. Clarke, Office of Heavy Duty Vehicle Research, Room 6219, 400 Seventh Street, Southwest, Washington, D.C. 20590, telephone: 202–426–4558.

Issued in Washington, D.C., on: September 29, 1980.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 80–30658 Filed 10–1–80; 8:45 am]

BILLING CODE 4910–59–M

Office of the Secretary

[OST File No. 67]

Small Community and Rural Transportation; Request for Public Comment on Proposed Policy Statement

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Request for public comment.

SUMMARY: DOT invites public comment on a proposed policy statement and report on small community and rural transportation. The report contains a number of proposed new action to be taken by DOT to deal with the transportation problems facing small communities and rural areas along with the rational for developing those actions. The report is a specific response to and extension of the Small Community and Rural Development Policy issued by President Carter on December 20, 1979.

DATE: Comments must be received by December 31, 1980.

ADDRESS: Comments should be sent to Docket Clerk, OST File No. 67, Office of the General Counsel, C–50, Department of Transportation, Washington, D.C. 20590. Comments will be available for public inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Department of Transportation Building, 400 Seventh Street, SW,

Washington, D.C., from 9:00 am to 5:30 pm e.t., Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert H. Bruton (202) 426-4435.

SUPPLEMENTARY INFORMATION: Public comment is invited on the points raised in the report, which appears below, and on any others relevant to the issue. Comments should be sent to the address above and must be received by the deadline date above. All comments received by that date will be considered in preparation of the final policy statement.

Issued in Washington, D.C. on September 25, 1980.

Donald F. Mazziotti,

Deputy Assistant Secretary for Policy and International Affairs.

Proposed Policy Initiatives for Small Community and Rural Transportation

Introduction

America's small communities and rural areas—many of which have experienced dramatic growth in population and job opportunities in recent years—face serious transportation problems.

With near universal dependence on the automobile, both local and intercity public modes of passenger transportation, except air service, have generally declined. Numerous rural Americans who do not own or cannot readily use a private automobile have great difficulty reaching essential services and employment, traveling longer distances or even reaching available intercity passenger service. Further, with decreased fuel availability and increased transportation costs, a growing number of small community and rural residents will face reduced mobility. On a nation scale, an increasing number of small communities in non-urbanized areas will find themselves socially and economically isolated from the rest of the nation in the 1980's unless corrective actions are taken now to assure them adequate transporation.

Freight service to small community and rural businesses has either declined, as in the case of railroads, or has failed to meet service needs and expectations, as in the case of trucks. With increasing rail branch line abandonment in many parts of the country, and the failure of trucking companies to fill the gap, many of our nation's small communities face serious interruptions in the flow of agricultural and other commodities. The problem is exacerbated by the fact that in many parts of the country where local small community and rural economies are dependent on the use of large heavily-loaded trucks, rural roads are inadequate. The increased demand for "harvest-to-harbor" service has also placed a burden on transporation in rural America, while regulatory practices have impaired overcoming deficiencies in transporation service.

The challenge to government is to respond to these problems effectively and urgently. Public policy may aid in the solution of the problems, but it may also contribute to them. The policy changes proposed in this document seek to improve the productivity and effectiveness of Federal transportation programs and to stimulate and assist the vast talents and resources of small town and rural America in successfully coming to grips with the problems they will face over the decade ahead.

A New Federal Role

The Federal role in small community and rural transportation should shift from reliance on detailed regulation and grant program administration to reliance on simple, clear and consistent statements of national goals, and on establishing opportunities and incentives for the most appropriate and efficient use of local public and private initiatives and resources to achieve those goals.

Past Federal policies and regulations affecting small community and rural transportation may themselves have contributed to the problem, more so than to the solution.

Financial assistance programs designed for major metropolitan and interstate transportation have generally not been suitable for small communities and rural areas. Program requirements and regulations designed to deal with the impacts of major transportation investments have become complex and burdensome when applied to small scale community and rural projects.

Economic regulation intended to protect small community and rural transportation service has been counter-productive. It has compelled common carriers interested in high density markets to serve low density markets while preventing the entry of carriers wishing to serve the smaller markets. As a result, private transportation services for small communities and rural areas have often been inadequate, costly and ill-suited to local needs. The recently enacted Motor Carrier Act makes it easier for new trucking firms to enter the business and paves the way for eliminating many route and commodity restrictions that inhibit fuel-saving and efficient operations.

The resources of the Federal government have largely been devoted to the development and administration of grant programs and economic regulation. Too little attention has been paid to providing the technical information and advice, and developing new techniques and approaches, which would help local governments and businesses find the most effective way to deal with their transportation needs and problems.

In order to contribute more effectively to the solution of transportation problems facing small communities and rural areas, the Department of Transportation plans to pursue the following three-part strategy:

- Eliminate cumbersome detailed requirements from existing grant programs and provide State and local government with the maximum flexibility to use Federal financial aid in a manner most appropriate for local conditions or needs.
- Remove economic regulatory barriers to the development of new and more suitable forms of small community and rural transportation and concurrently work with State and local government to reduce transitional problems that might result from the Motor Carrier Act of 1980 and such actions that may be taken.
- Work with State and other appropriate institutions to increase the availability of technical information, advice and expertise and to develop new methods and approaches specifically suited to small community and rural conditions.

The Department of Transportation intends to expand its technical programs directed at rural areas into a new cross-modal research and technical assistance program, based upon the transfer of transportation-related skills and the development of local capability to deal with transportation issues. This program will support, and not displace, the grant and assistance programs already in place.

The purposes of this research and technical assistance program are: (a) help States to expand their capacity for providing on-site technical information and advice on the full range of rural transportation topics; (b) provide States with technical back-up and materials on these topics; and (c) disseminate new techniques, methods and approaches. New technical materials will be developed by the Department's operating administrations to respond to State and local modal-oriented problems and concerns, and research on cross-cutting issues will also be conducted through the program.

This new research and technical assistance program will be implemented primarily through the Federal Highway Administration (FHWA) and its field organizations. A first step in this process

will be an intensive training program for FHWA field staff covering all modes of small community and rural transportation. Development of this training program has begun, with the objective of providing the first pilot training sessions in 1981. Further specific actions to implement this new DOT program will be included in the final policy document, based upon public comment and review.

Policies and specific proposed actions for the different modes of transportation are contained in the following sections of this document.

Local Personal Transportation

National Goal: Maintain a basic level of local personal mobility in small and rural communities to assure citizens access to essential social services and places of employment.

The Problem: Changes in settlement patterns combined with the decline in public transportation services have left many small community and rural residents without adequate access to basic essential services and work places. The increasing cost of energy is making matters worse.

Most of rural America's towns, where 30 million people live, lack alternatives to the private automobile. Fewer than one percent of rural Americans who work away from home use public transportation to get to work—a statistic that dramatically reveals how dependent rural Americans are on the family vehicle. At the same time, many of the rural poor and elderly do not own an automobile, contributing even further to their isolation and immobility, not only from jobs, but from vital social services as well. With a disproportionate share of the nation's persistently poor counties being rural, the problem of mobility-disadvantaged people in rural America is widespread.

In small communities and rural areas, mobility problems and solutions and the resources available for dealing with them are quite different than in urbanized areas. For example, ride-sharing is probably the most suitable solution for most small communities; next is demand-responsive public transportation; and last, traditional fixed-route transit.

Policy Objectives: Federal policies should:

• Recognize the differences between the mobility problems of urbanized and non-urbanized areas and adjust current problem objectives, requirements and regulations to reflect these differences.

• Provide financial assistance for public transportation in small communities and rural areas that is cost-effective, can be tailored to specific local needs and conditions and can encourage the most suitable solutions for the area.

• Coordinate such assistance with other Federal funds and cause it to stimulate efficient use of State, local and private resources.

• Reduce the burden of Federal program requirements and red tape on small community and rural bodies.

• Ensure that small community and rural organizations have up-to-date technical information on alternative forms of public transportation.

Action Agenda: To achieve these objectives, the Department of Transportation will:

• Continue to provide adequate, direct financial assistance for non-urganized public transportation. A specific DOT mechanism will be developed to ensure the continued availability of Sections 3 and 16(b)(2) funds and their coordination with the Section 18 program of the Urban Mass Transportation Act.

• Make a complete examination of the suitability of Section 18 program requirements for small communities and rural areas. Specific recommendations will be included in the final policy document.

• In its research and technical assistance program, include the development of information and advice on the assessment and selection of the most appropriate methods and approaches to meet State and local rural transportation needs.

• In conjunction with other Federal agencies, develop a strategy for coordinating direct and indirect financial assistance to non-urbanized area public transportation. A start has already been made by an agreement between the DOT, HHS, CSA, ACTION, FmHA and DOL to improve the coordination and delivery of social services and public transit.

• Continue to support and develop efforts, on a coordinated basis with other government agencies, to promote rural ride-sharing (carpooling and vanpooling).

Intercity Passenger Service

National Goal: Provide small communities and rural areas with reliable, economical and efficient intercity passenger service through private sector initiatives and the utilization of local resources and capabilities.

The Problem: With the cost of fuel becoming an ever increasing burden of household budgets, rural Americans need greater access to dependable and efficient public transportation. Their communities need to be more effectively linked by public transportation to main line passenger networks. One of the primary purposes of public regulation has been to maintain public transporation service to small communities and rural areas, but regulation has failed to achieve this objection. At the same time, regulation has prevented carriers, particularly small local firms, from developing services specifically designed for small community and rural needs and which would efficiently utilize local resources and talents.

Where there is movement toward greater reliance on market forces, as in the Airline Deregulation Act of 1978, certain small communities are experiencing a period of market and service adjustment resulting in a shift from traditional service to new forms of specialized small community service. The Federal government has reponded to this situation with an interagency agreement (FAA, CAB, EDA, FmHA, and SBA) to coordinate and target assistance ($200 million) to commuter airlines wanting to enter and serve rural markets and to small community airports wanting to upgrade facilities. Improvements in the regulation of intercity bus service would likely result in a similar period of adjustment. The experience gained throught airline deregualtion should help in designing a regulatory reform proposal for intercity bus services that would mimimize adverse effects during the adjustment.

Policy Objectives: Federal policies should seek to:

• Encourage the development and operation of efficient, low-cost feeder services connecting rural communities with nearby urban centers and with major long-haul intercity passenger services. To the extent that it is consistent with efficient operations, these feeder services—bus, rail or aviation—should be fully intergrated into the national scheduled passenger transportation system.

Action Agenda: The Department of Transportation will:

• Develop an intercity bus regulatory reform proposal to increase flexibility in providing small community feeder services. Actions needed to ensure that such regulatory reform does not result in severe, near-term transitional problems will also be proposed.

• Establish national goals for small community intercity passenger service and a strategy for achieving those goals by the most efficient mode of transportation.

• Initiate a project with States, carriers and private providers of travel information to improve information available nationally to the traveling

public on specific small community connecting services.

• Continue efforts, through proposed amendments to the Airport and Airways Development Act of 1970, to obtain greater opportunities for small airports to receive airport development grant assistance.

• Continue to support study of the viability of large scale air passenger and freight service to small and rural communities and give priority attention to participants in such existing programs as the joint FAA/CAB small Community Air Service Pilot Program.

Roads and Highways

National Goal: Maintain a system of small community and rural roads adequate for the needs of modern motor carrier freight and passenger movement.

The Problem: Rural roads and bridges in many areas have become unsuitable for large trucks which are necessary for the efficient movement of important commodities such as grain and coal. The problem as compounded by the accelerated abandonment of light density rail lines.

Improving all roads and bridges to accomodate heavy truck movement would be prohibitively costly and unnecessary. Only a small percentage of roads need improvement, but planning and selecting the roads for improvement is difficult and often controversial.

Current Federal aid to small community and rural highway projects is encumbered with requirements established primarily to deal with major urban and Interstate projects. Meeting these requirements is often so burdensome as to make cost ineffective small community and rural projects which would otherwise be justified.

Intercity bus service, upon which small communities and rural areas may have to rely increasingly in the future, has become more and more concentrated on Interstate highways with a consequent loss of service to small communities and rural areas.

Small city downtowns have suffered from highway bypasses and suburban shopping centers that follow highway development, in the absence of comprehensive, integrated town and transportation project planning.

Policy Objectives: Federal policies should

• Provide financial aid for small community and rural roads in a form which allows it to be tailored to specific local needs and which is free from burdensome and costly program requirements.

• Promote an efficient system of roads and bridges in rural America that is suitable for the movement of heavy commodities and that is coordinated with railroads.

• Promote the integration of highway and comprehensive community planning to minimize potential adverse impacts of highway development on community growth and economic viability.

• Encourage the development of highway-related facilities that will help meet national energy conservation objectives in passenger and freight transportation.

Action Agenda: The Department of Transportation will:

• Continue to reduce and simplify Federal-aid highway regulations and requirements for small communities and rural areas, particularly through the process of "certification acceptance."

• Develop specific long-range goals for Federal involvement in rural roads along with a strategy for implementing those goals.

• In cooperation with the National Trust for Historic Preservation, "Mainstreet Project," develop specific training and technical assistance materials for selecting and planning highway projects which are consistent with local efforts for small city downtown revitalization.

• Develop and encourage the use of a method for planning new rural roads, emphasizing the selection of an efficient light density network and coordination with State rail planning. This effort will be a high priority item in the Department's new technical assistance program.

• Develop and encourage the use of a planning mechanism to determine the need for and location of parking shelters and intermodal facilities for ridesharing and intercity bus service along major rural highways. This effort will be included in the Department's new technical assistance program.

• Support continuation of expanded programs for bridge renovation and replacement in rural areas.

Truck Service

National Goal: Attain a level of motor carrier service which responds efficiently and reliably to the specific, diverse needs of small community and rural businesses.

The Problem: Trucking regulations have severely restricted the development of new and efficient small community and rural truck service. It has been difficult for new carriers to gain ICC authority for general freight movement. Even existing carriers have been restricted from serving certain small communities along their routes. Restrictions on commodities that can be carried further inhibits small community and rural service since a mixture of commodities is often required to make up an economically attractive market for truck service. Also, rate regulation has made it difficult for small community and rural businesses to negotiate favorable rates or to attract the specific type of service they need. The Motor Carrier Act of 1980 has set the stage for much needed reforms in this area.

Policy Objectives: Federal policies should:

• Make it possible for new firms, particularly local entrepreneurs, to serve light density markets with dependable and efficient trucking services.

• Enable small community and rural businesses to organize their freight service demands so as to provide a more attractive and efficient market for motor carriers.

Action Agenda: The Department of Transportation will:

• Investigate and develop recommedations covering any special transitional problems for small rural communities, shippers and carriers that may result from the Motor Carrier Act of 1980.

• Develop, as part of its research and technical assistance effort, a special program for small community and rural businesses on forming cooperative shippers associations to consolidate shipments, to negotiate rates, and where necessary, to tie local pick-up and delivery into interstate truck service or to provide their own connecting service to nearby trucking terminals.

Railroad Freight Service

National Goal: Provide small communities with economically efficient connections to the nation's railroad freight system.

The Problem: It is essential to their economic well-being—and the nation's—that our small communities maintain access to the railroad freight network. This access has traditionally ben provided in many cases by the railroads operating over branch lines under force of public regulation. With the development of modern motor carrier freight service and highway networks, along with long term changes in the economic base of small communities and rural areas, much of the light density branch line service provided by railroads has become unprofitable, contributing to the deterioration of the economic health of the railroads. For them to survive as a viable, private sector entity, they must be permitted to abandon unprofitable light-density branch line service. Such abandoment, however, could pose a great hardship for a number of small communities if no alternative service were immediately available.

Policy Objectives: Federal policy should seek to create conditions in which

• Small community and rural businesses that need access to the national railroad freight system can obtain it either directly, through rail service, or indirectly through truck feeder service at rates which reflect economic efficiency.

• Changes in rail regulation do not result in long term troubles for small community and rural businesses.

Action Agenda: The Department of Transportation will:

• Continue to provide interim assistance for rail branch lines through the Federal Railroad Administration's Local Rail Service Assistance Program, on a coordinated basis with EDA and FmHA. This assistance should continue to be used to upgrade potentially viable light density rail lines or temporarily to maintain existing rail service to allow time for shippers and communities to adjust to alternative systems, such as trucking or air freight services.

• Promote current rail regulatory reform proposals which allow shippers and carriers to negotiate freely rates and services necessary for continuing rail service or providing truck-rail alternatives.

• Provide, as part of its research and technical assistance program, intensive help for shippers to adjust to further abandonment of rail service, and to take advantage of new opportunities provided by regulatory reform. This effort will include the location of U.S. Department of Agriculture traffic management experts in DOT field offices to provide joint DOT/USDA technical information and advice.

[FR Doc. 80-30422 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

[Notice No. 80-12]

Long-Term Study of the Automobile Industry

AGENCY: Department of Transportation.

ACTION: Request for public comment.

SUMMARY: The Department of Transportation (DOT) is seeking public comment on a number of issues concerning a Department study of the automobile industry. The Congress has directed the Secretary of Transportation to make a comprehensive assessment of the state of the automobile industry. The Preisdent has also designated the Secretary of Transportation to head Federal government efforts to deal with the industry's problems. DOT is interested in soliciting opinion and comment from the public on possible government actions, both short-term and long-term, that might be taken to alleviate the automobile industry's problems.

DATES: Comments must be received on or before November 3, 1980.

ADDRESS: Send comments to the Department of Transportation, Notice No. 80-12, Office of Industry Policy, P-10, Room 9222, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mildred F. Bluestein, U.S. Department of Transportation, Office of Transportation Industry Policy, 400 Seventh Street, SW., Washington, D.C. 20590. (202/426-2916)

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Transportation has undertaken an intensive study of the automobile industry. The President has asked the Secretary of Transportation to head Federal government efforts to deal with the industry's problems. The Department has also been directed by the Congress, under section 12 of the Chrysler Corporation Loan Guarantee Board Act of 1979, Public Law 96-185, to make a comprehensive assessment of the state of the automobile industry. A report on that assessment is due to Congress on January 7, 1981.

As a part of the assessment, the Department is soliciting opinion and comment from the public on possible government actions, both short-term and long-term, that might be taken to alleviate the industry's problems.

Since 1977, the U.S. domestic automobile industry has had a conversion program underway to produce new, lightweight, fuel-efficient cars. This program is the most massive, privately funded capital investment in history. Originally, the conversion was to take seven years and cost $80 billion; the timing was based largely on the need to meet fuel economy standartds and the long lead times normally associated with design engineering, construction of machine tools, product testing and the establishment of high-volume production. However, because of the fuel shortages experienced in 1979, there has been a rapid change in consumer preference to small, fuel-efficient automobiles, and the industry finds itself only partially ready to meet this overwhelming switch in demand.

Market demand for more fuel-efficient autos, rather than compliance with Federal fuel economy standards, appears to have become the primary motivating force in bringing about the transition to such cars. Whereas the cost of fuel was once a small proportion of total auto operating costs, it may now be high enough to cause people to change both their vehicle preferences and they driving habits.

II. Topics of Interests

To prepare a comprehensive assessment of the state of the automobile industry and its effect on the economy, the Department is interested in receiving information and public comment on the following issues and any others that may be relevant.

1. *How is the character of the auto industry changing?* What will (or should) the new fuel-efficient vehicles that the industry is developing be like? How will the industry be affected by new materials, equipment and automobile designs? Will the industry need to make tradeoffs in the structural design of autos to meet safety and fuel economy needs? What are the manufacturers' production plans?

2. *How are the industries that supply the auto industry changing?* How will the industries that supply the auto industry, (specifically those producing steel, aluminum, plastics, rubber, glass, paint, electrical and mechanical components) change? What might be done about the industry's limited capacity to turn out the many new production lines needed? Will dealers be able to meet new demands? What difficulties will the aftermarket (suppliers or parts and services, including used cars) experience? Will problems with credit limitations continue to hamper the industry?

3. *What is the ability of the automobile industry to obtain necessary capital for retooling and modernization?* What are the capital needs of the domestic manufacturers as well as supplier and component industries? How will capital availability and cost influence the market decisions of the manufacturers? What will be future sources of capital for the industry? Whay are the capital needs and sources of both the supplier industries and the component industries?

4. *How will international competition affect domestic manufacturers in the United States and abroad?* What are the relative costs of producing cars in the United States and overseas? How do U.S. and foreign auto manufacturers compare in productivity and quality? What role will multinational corporations play in the future? What effect would trade restraints have on the auto industry if they were imposed by the United States and by other countries? Are economies of scale an important factor?

5. *What impacts on unemployment and regional dislocation might result from the transition to smaller, more fuel-efficient autos and from import competition?* What is the projected size of the U.S. workforce engaged in auto production of in the 1980s? How will improved production processes and increased productivity affect the size of the workforce? How do manufacturers select the location of new facilities? Where are the centers of auto production and supplier industries located? How will structural changes in the industry affect the workforce and communities in which plants and suppliers are located? What retraining and relocation programs, for workers facing permanent unemployment caused by these changes will be necessary?

6. *How will automobile energy efficiency be achieved after 1985?* What are the technological limits of fuel economy? What options concerning regulations versus other ways of achieving better fuel economy in the domestic auto fleet may be available? What is the status of U.S. advanced automobile technology compared with that of foreign competitors?

7. *What kind of relationship should there be between the government and the auto industry?* Can helpful comparisons be drawn from public-private relationships that exist in foreign countries (e.g., Japan and Western Europe)? What are the positive and negative aspects of government regulation, and how do they affect consumers, decisionmakers in the industry, capital markets, international competition and employment? What is the relative importance of relationships of other governments to their industries in international competition? What public policies should be developed that could improve the condition of the auto industry in the United States today or in the foreseeable future and still achieve the goal of a safe, fuel efficient and environmentally sound automobile?

To be considered in the preparation of the January 1981 report to the Congress, comments should be received as early as possible, but no later than the deadline date shown above.

Issued in Washington, D.C. on September 25, 1980.

William B. Johnston,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 80-30659 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-62-M

Urban Mass Transportation Administration

Report on Life-Cycle Cost (LCC) Procurement Procedures for Advanced-Design Buses

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of availability of report containing LCC guidelines and procedures.

SUMMARY: The Urban Mass Transportation Administration (UMTA) is announcing the availability of a report on life-cycle cost procurement procedures for advanced-design buses. This report contains proposed life-cycle cost procurement procedures and guidelines which are being reviewed within UMTA for consideration of use in transit bus procurement. UMTA is assisting its grantees in complying with the fiscal year 1980 Appropriations Act (Pub. L. 96-131) requirement that contracts for the acquisition of rolling stock, including buses, be awarded only after consideration of performance, standardization, and life-cycle costs, in addition to initial capital costs. A key to this assistance is set of acceptable, workable life-cycle costing procedures and guidelines which can be used by bus manufacturers and grantees. The report covers the formulation of life-cycle cost procurement procedures and guidelines, and includes the results of two "parallel, non-binding" procurement simulations which were conducted using the guidelines procedures.

ADDRESS: Report No. UMTA-VA-06-0045-80-1 is available from the National Technical Information Service, Springfield, Virginia 22151, or from the Office of Safety and Product Qualification (UTD-50), Urban Mass Transportation Administration, 400 7th Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Robert Haught, Office of Safety and Product Qualification, (202) 426-9545.

SUPPLEMENTARY INFORMATION: Copies of the report have been provided to each UMTA Regional Office. Seminars will be held in the near future at each Regional Office concerning the Life-Cycle Cost Procurement Procedures. The purpose of the seminars will be to further explain the LCC procedures and guidelines contained in the above report and to answer questions on them and their use in vehicle procurements. Interested parties should contact the appropriate Regional Office concerning the date and location of the seminar.

Dated: September 19, 1980.

Lillian C. Liburdi,

Deputy Administrator.

[FR Doc. 30590 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-57-M

Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act (42 U.S.C. 4321) and the Council on Environmental Quality's implementing regulations (40 CFR Part 1500), the Urban Mass Transportation Administration gives notice that an environmental impact statement is being prepared for a proposed transit mall in San Jose, California.

The Santa Clara County Transit District proposes to undertake, with Federal capital grant assistance, the construction of a transit mall in San Jose which would serve as the central boarding and transfer point for buses operating in the city and surrounding area. The mall is proposed to be located on First Street or, alternatively, First and Second streets in the city's downtown commercial-retail area. The transit mall would accommodate increased bus traffic in the downtown and would support redevelopment plans in the area. The alternatives proposed for consideration and analysis in the EIS include the no-action alternative and transit mall alternatives on one or two streets in the central business district. The mall alternatives will include the option of light rail transit (LRT) with bus operations. The LRT mode is currently under consideration as a regional transit alternative in Santa Clara County. Mall alternatives will also include options of limited/prohibited auto access.

A scoping meeting will be held in San Jose on October 14, 1980, for the purpose of identifying the significant impacts and the alternatives to be addressed in the EIS. Participants will also be asked to comment on appropriate evaluation criteria for selecting a preferred alternative. The meeting will be held in two sessions. An afternoon session for interested public agencies and organizations will be held from 2 to 4 p.m. at the San Jose Main Library, McDaniel Community Room, 180 San Carlos Street, San Jose, California. An evening session for the general public will be held from 6 to 9 p.m. in the same location. The Urban Mass Transportation Administration invites agencies and individuals with expertise or interest to comment on the scope of this environmental impact statement.

Comments and questions regarding this environmental impact statement

should be referred to: Mr. Abbe Marner, Environmental Protection Specialist, Office of Transit Assistance, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone (202) 472-7100. In San Jose, comments and questions may be referred to: Mr. David Minister, Project Director, Santa Clara Transportation Agency, 1555 Berger Drive, San Jose, Calif. 95112, telephone (408) 299-2362.

Dated: September 29, 1980.

Peter Benjamin,

Acting Associate Administrator for Transit Assistance.

[FR Doc. 80-30660 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST File No. 61; Notice No. 80-10]

DEPARTMENT OF ENERGY

National Energy Transportation Study; Announcement of Public Hearings and Request for Public Comment

AGENCIES: Department of Transportation (DOT) and Department of Energy (DOE).

ACTION: Announcement of public hearings and request for public comment.

SUMMARY: In conjunction with the President's National Energy Plan, DOT and DOE recently completed a preliminary report to the President on the capability of the Nation's transportation system to carry future energy materials. Two public hearings have been scheduled to receive oral comments on the report's findings and conclusions. In addition, an "open file" has been established at DOT to receive written comments from interested individuals and groups.

DATES: Public hearings—Monday, October 27, 1980 in North Auditorium, 4th floor, 915 Second Avenue, Seattle, Washington from 9:30 a.m. to 5:00 p.m. local time; and Friday, October 31, 1980 in FAA Auditorium, Room 310, 800 Independence Avenue, SW., Washington, D.C. from 9:30 a.m. to 5:00 p.m. local time.

Deadline for requests to speak at public hearings—Tuesday, October 21, 1980 for the Seattle hearing and Tuesday, October 28, 1980 for the Washington, D.C. hearing.

Deadline for submitting comments—December 1, 1980.

ADDRESSES: Send written comments to Docket Clerk, OST File No. 61, Office of the General Counsel, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Comments will be available for public inspection in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. between 9 a.m. and 5:30 p.m. local time, Monday through Friday except Federal holidays.

Send requests for copies of the report and requests to speak at the public hearings to National Energy Transportation Study Public Hearings, Office of Industry Policy, P-10, Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Nancy K. MacRae, Office of Industry Policy, Department of Transportation, (202) 426-420;

or

Thomas E. Marchessault, Office of Economics and Public Investment, Department of Transportation, (202) 426-4168.

SUPPLEMENTARY INFORMATION:

I. Background

The National Energy Transportation Study (NETS) is a joint effort by DOT and DOE to assess the ability of the Nation's transportation system to carry future volumes of coal, petroleum, natural gas, and nuclear materials. The study, called for by President Carter's first National Energy Plan, April 1977, focuses on the changing transport patterns caused by the expected shift from oil to coal and the search for new sources for oil and gas. It enlarges on an earlier assessment by DOT's Coal Transportation Task Force, *Transporting the Nation's Coal: A Preliminary Assessment,* released in January 1978.

To lay the groundwork for timely improvement of the transportation system the study (1) predicts future trends in energy commodity transportation on the basis of the Nation's goals as seen in the second National Energy Plan, May 1979; (2) identifies areas where capacity problems might require expanded facilities; and (3) assesses possible financial, social, safety, and environmental constraints on the capability of the system to meet the identified needs.

The focus is on the years 1985 and 1990. Examination beyond 1990 becomes increasingly conjectural and is not necessary for transportation projects, which usually need a shorter lead time than the fuel extraction projects they serve.

The study drew on three sources of information for analysis: (1) testimony from the public, as well as State, local, and Federal agencies and private industry; (2) DOE-originated forecasts for energy supply and demand by commodity, quantity, and geographic location; and (3) staff research and commissioned studies. The forecasts used are based on 1978 Energy Information Administration (EIA) data; 1979 EIA forecasts, based on substantial oil price increases, indicate some deviations which affect the findings on coal transport.

II. Findings

The major finding of the study are summarized below by energy product.

Coal

The report projects that Western coal traffic, carried almost entirely by rail or a combined rail-water movement, will increase from the level of 97 million tons in 1975 to 625 million tons in 1990. While growing at a slower rate, Appalachian coal traffic is expected to almost double the 1975 level, reaching 600 million tons by 1990.

- Coal shipments from the Powder River Basin in Wyoming and Montana are expected to increase dramatically, though 1979 EIA forecasts predict a lower level of coal production than do 1978 forecasts. The report points out the need for increased rail capacity in the corridor from that area through Nebraska and Iowa to Missouri. It also forecasts the need for increased rail capacity between Wyoming and Texas and between Montana and Wisconsin for transshipment on the Great Lakes. Large quanitities of coal are expected to be produced in Utah for shipment east and south. Western coal shipments will cause increased congestion at rail grade crossings.
- The railroads' ability to make capital investments is affected by the uncertainties surrounding the level of traffic that will materialize and the Federal regulatory structure of the next decade.
- Although Administration-backed legislation would aid construction of coal slurry pipelines, the problem of water supply and institutional constraints will limit the amount of coal shipped by this method.
- Large-scale increases in generation of electricity at coal mine sites and delivery by high-voltage transmission lines is dependent on improved technology to reduce water requirements and resolution of environmental problems associated with construction of high-voltage transmission lines.
- Continued deterioration of highways used to haul coal will cause

hardships to citizens and increased operating costs for truckers. Nearly 75 percent of all coal is moved by truck at some point.

• Coal carriage by barge will not be constrained if planned waterway lock improvements are made.

Petroleum

• The level of crude oil traffic by pipeline only and combination pipeline-water shipment will increase only slightly from 2,709 million barrels in 1975 to 2,950 million barrels in 1990. The significant change within that total will be in the greatly increased proportion of tanker-pipeline traffic caused by Alaska and California oil shipments to the Gulf ports.

• Pipeline traffic in crude oil from the Gulf northward through the Mississippi River corridor to Chicago will increase dramatically due to increased movement of imported, Alaska, and West Coast crude to Gulf ports.

• Petroleum products traffic will experience localized congestion.

• Uncertainty about the rate-of-return to be allowed by the Federal Energy Regulatory Commission has slowed decisions on private investment in the increased pipeline capacity needed for both crude oil and petroleum products.

Natural Gas

The use of natural gas will decline, but shifting sources of supply will force new pipeline construction. The proposed Alaska Highway Gas Pipeline, expected to account for a growing share of the nation's 1990 natural gas needs, faces formidable financing difficulties in the private sector. Expansion of the pipeline system in the upper Plains States will be needed to deliver this Alaskan-Canadian gas to market.

No serious problems are expected in adding pipelines to distribute natural gas from Mexico, the Outer Continental Shelf, and the Overthrust Belt of the Rocky Mountains.

Recent and pending DOT regulations concerning liquefied natural gas facility siting at terminals and highway transportation of liquefied natural gas and liquefied petroleum gas will increase safety in handling these products. Railroad accidents involving liquefied petroleum gas remain a major concern.

Nuclear

Transportation of radioactive spent fuels and wastes is already increasing and will continue to do so. Although causing no capacity problems, these shipments have caused public apprehension which has inspired State and local highway routing restrictions. If DOT's proposed rule for routing radioactive shipments (Docket HM-164) is not put into effect, thus preempting inconsistent State and local ordinances, transportation of spent fuel and wastes will be severely constrained.

III. Hearing Procedures—

1. *Request procedure.* Public hearings to receive oral presentation of data, views, and arguments from interested persons will be held at the times and places indicated earlier in this notice. Any person who has an interest in the subject matter of this notice, or who is a representative of a group or class of persons which has such an interest, may make a written request to speak. The addresses and deadlines appear above. A request should be labeled, both on the document and on the envelope, "National Energy Transportation Study Public Hearings."

The person making the request should be prepared to describe the interest concerned, to state why he or she is a proper representative of a group or class of persons which has such an interest, and to give a concise summary of the proposed statement and a telephone number where he or she may be reached through Friday, October 24, 1980, for the Seattle hearing and Thursday, October 30, 1980, for the Washington, D.C. hearing.

Each person selected to speak will be notified by DOT before 5 PM, October 23, 1980, for the Seattle hearing and October 29, 1980 for the Washington, D.C. hearing, and must submit 10 copies of his or her statement to the registration desk at the hearing at which he or she is to speak.

2. *Conduct of hearings.* DOT and DOE reserve the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The time allotted to each presentation may be limited, depending on the number of persons requesting to be heard. Each person testifying should be prepared to submit his or her statement and attachments for the record and to make a summary oral presentation. DOT and DOE officials will preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings.

If time permits at the end of a hearing, any person who makes an oral statement may ask a question of any other person making a statement, but questions must be submitted in writing to the presiding officer, who determines whether the question is relevant and whether time limits permit it to be presented for answer. Any further procedural rules needed for the proper conduct of this hearing are announced by the presiding officer.

A transcript of each hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOT and DOE and made available for inspection in the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between the hours of 8:00 AM and 4:30 PM Monday through Friday; and the DOT/DOE Open File in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, 400 Seventh Street SW., Washington, D.C., between 9:00 AM and 5:30 PM local time, Monday through Friday except holidays.

Issued in Washington, D.C., on September 25, 1980.

William B. Johnston,

Assistant Secretary for Policy and International Affairs, Department of Transportation.

Ruth M. Davis,

Assistant Secretary for Resource Applications, Department of Energy.

[FR Doc. 80-30367 Filed 10-1-80; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of granting of relief from disabilities incurred by conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202-566-7457).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by

reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Adams, George J., Route 5, Box 349A Old Gray Highway, Macon, Georgia, convicted on January 31, 1975, in the United States District Court, Middle District of Georgia, Macon, Georgia.

Ashley, Thomas Elmer, 1213 East 12th Street, Muncie, Indiana, convicted on October 4, 1974, in the Grant County Superior Court, Marion, Indiana.

Bagus, Stuart, 731 Rome Court, Rockford, Illinois, convicted on October 21, 1971, in the Denver District Court, Denver, Colorado.

Bassett, Timothy M, 5771 Trammell Road, Apt. 11F, Marrow, Georgia, convicted on May 30, 1975, in the Clayton County Superior Court, Jonesboro, Georgia.

Barnes, Joseph, 1817 Delwood Drive, Wilson, North Carolina, convicted on October 10, 1972, in the United States Superior Court, Wilson County, North Carolina.

Batts, David, 11303 South Edbrooks, Chicago, Illinois, convicted on June 28, 1954 and February 24, 1960, in the Cook County Criminal Court, and Chicago Criminal Court, Chicago, Illinois.

Bennett, Alvin, 23020 21st South, Des Moines, Washington, convicted on October 25, 1968, in the United States Superior Court, King County, Washington.

Blackburn, Lloyd E., Post Office Box 155, Roaring River, North Carolina, convicted on August 26, 1970, in the United States District Court, Wilkesboro, North Carolina.

Bradburn, Gary Lee, 5804 Doris Drive, Alexandria, Virginia, convicted on December 5, 1975, in the Circuit Court, Fairfax, County, Virginia.

Brainard, Stephen, 193 Buchanan Street, Coos Bay, Oregon, convicted on March 14, 1973, in the United States Circuit Court, Coos County, Oregon.

Brewer, Doyle R. Jr., 2340 Via Corte, Oroville, California, convicted on April 19, 1976, in the United States District Court, San Francisco, California.

Brown, Frederick Douglas, 1933 Marlane Drive, Grove City, Ohio, convicted on November 11, 1955, in the United States District Court, Southern District of California, Central Division, Los Angeles, California.

Brown, Gary Mark, 5687 Eldon Drive, West Palm Beach, Florida, convicted on March 25, 1970, in the Okaloosa County Circuit Court, Crestview, Florida.

Bullock, Douglas B., 3912 Cessna Drive, Wichita, Kansas, convicted on June 27, 1968, in the United States District Court, Sedgwick County, Kansas.

Burnett, Michael V., Route 1, Box 190, Willis, Virginia, convicted on June 29, 1972, in the Circuit Court of Waynesboro, Virginia.

Canty, Gene P., 11557 Philmar, St. Louis, Missouri, convicted on May 6, 1963, in the United States District Court No. 1, Eastern Judicial District of Missouri.

Carmody, Robert Anthony, 412 Avenue D. East, Apt. 2, Bismark, North Dakota, convicted on December 7, 1973, in the District Court, 4th Judicial District, Eddy County, North Dakota.

Coleman, Matthew, 6507 Hoffman, St. Louis, Missouri, convicted on February 3, 1975, in the United States District Court, Eastern District of Missouri.

Cornish, Vernon Doyle, 300 South State Street, Route 3, White Pigeon, Michigan, convicted on September 24, 1962, in the Cass County Michigan Circuit Court.

Cumbow, Dennis Millard, 3301 Grandview Drive, Kingsport, Tennessee, convicted on October 4, 1949, in the Washington County Circuit Court, Abingdon, Virginia.

Curry, Warren J., 535 East Wisconsin Avenue, Apt. 1, Pewaukee, Wisconsin, convicted on March 27, 1975, in the Waukesha County Circuit Court, Waukesha, Wisconsin.

Cutshall, Ronald C., 920 West 1st Street, Craig, Colorado, convicted on November 6, 1967, in the United States District Court, Adams County, Colorado.

Delas, Edgar A., Jr., Post Office Box 1011, Hampton Street Extended, Indianola, Mississippi, convicted on November 11, 1974, in the United States District Court, Northern District of Mississippi.

Denny, Thomas E., Route 4, Mount Vernon, Kentucky, convicted on April 9, 1965 and November 13, 1968, in the United States District Court, London, Kentucky.

Driver, Michael D., 1317 Smallhouse Road, Bowling Green, Kentucky, convicted on April 24, 1975, in the Warren County Circuit Court, Kentucky.

Dubeau, Phillip Hugh, 5770 Valerian Boulevard, Orlando, Florida, convicted on March 17, 1975, in the United States District Court, District of New Hampshire.

DuBose, Paul F., 51 Cypress, Apt. 51, Sausalito, California, convicted on February 3, 1976, in the 179th District Court, Harris County, Texas.

Eiseman, Mark, R.D. 1, Box 221 F, Lucinda, Pennsylvania, convicted on May 17, 1977, in the Clarion County Criminal Court, Pennsylvania.

Erkenbrack, Jeffrey B., 1710 Old Forge Road, Charlottesville, Virginia, convicted on October 16, 1974, in the Circuit Court of Albemarle, Virginia.

French, George Washington, 327 West Brownlee Avenue, Dallas, Texas, convicted on April 30, 1976, in the 203rd Criminal District Court, Dallas, Texas.

Fowlkes, Jesse Junior, 15119 San Jose Street, Mission Hills, California, convicted on June 11, 1963, in the United States District Court, Northern Judicial District of Illinois.

Gahan, Peter Charles, 250 Fredonia Avenue, Fredonia, Wisconsin, convicted on December 18, 1974, in the Ozaukee County Court, Port Washington, Wisconsin.

Gardner, Ronald E., 5714 Warm Springs, Houston, Texas, convicted on June 7, 1977, in the 208th District Court, Harris County, Texas.

Gillion, Claude Olen, III, 1801 Carter Street, Columbia, South Carolina, convicted on March 29, 1977, in the United States District Court, Columbia, South Carolina.

Gole Gary C., 2109 Camelot Drive, Parma, Ohio, convicted on June 6, 1967, in the Cuyahoga County Common Pleas Court, Cleveland, Ohio.

Grisham, Thomas, Route 2, Box 330, Russellville, Alabama, conivcted on September 22, 1970, in the United States District Court, Decatur, Alabama.

Growcock, Fred, 4203 Wildwood Road, Austin, Texas, convicted on January 14, 1977, in the United States District Court, Western Judicial District of Texas, Austin, Texas.

Gracey, Robert H., 5022 Denmore Avenue, Apt. 1A, Baltimore, Maryland, convicted on February 17, 1961, in the Circuit Court, Baltimore City, Maryland.

Graham, Michael, 500A Spotswood Avenue, Norfolk, Virginia, convicted on May 26, 1972, in the Circuit Court, Hanover County, Virginia.

Grohs, Lawrence J., 604 W. Adams, Apt. 5, Riverton, Wyoming, convicted on December 9, 1971, in the Traverse County Court, Wheaton, Minnesota.

Hall, John Raymond, 1056 Grand Avenue, Long Beach, California,

convicted on November 27, 1962, in the Outagamie County Court, Appleton, Wisconsin.

Hauptmann, William A., 110 West 12th Avenue, Sault Ste. Marie, Michigan, in the Circuit Court for County of Lenawee, Adrian, Michigan.

Higgins, Patricia, 37202—295th SE. Enemclaw, Washington, convicted on July 28, 1975, in the King County, Washington Superior Court.

Heding, Gale B., 110 East Bates, Wellsville, Missouri, convicted on February 8, 1974, in the Phelps County Circuit Court, Missouri.

Hughes, Everett L., 10000 5th NE. Apt 6, Seattle, Washington, convicted on September 8, 1970 and June 24, 1972, in the Superior Court, State of Washington, County of Thurston.

Hughes, Thomas H., Route 1, Box 137H, Sumter, South Carolina, convicted on February 22, 1972, in the General Sessions Court for Sumter County, South Carolina.

Jacob, Wayne Wendell, 7441 Emerson, Washington, Michigan, convicted on February 4, 1971, in the Macomb County Circuit Court, Mt. Clemens, Michigan; and convicted on November 30, 1970, in the Sanilac County Circuit Court, Michigan.

Johnson, Jr., Alvin Majell, 955 Wyatt, El Paso, Texas, convicted on July 15, 1974, in the United States District Court, Eastern District of North Carolina.

Johnson, Johnnie, 2211 Norwood Drive, Dothan, Alabama, convicted on June 17, 1970, in the 10th Judicial Circuit Court, Birmingham, Alabama; and convicted on May 28, 1974, in the 14th Circuit Court, Panama City, Florida.

Johnson, Willia Ira, 1209 Lippincott, Flint, Michigan, convicted on March 10, 1934, in the Chicot County Court, Lake Village, Arkansas.

Kersey, Clifford O., 600 East Ida Avenue, Opp, Alabama, convicted on April 3, 1975, in the United States District Court, Montgomery, Alabama.

Kimmel, Gary Wayne, 526 Wind River, Duncanville, Texas, convicted on August 22, 1969, in the District Court of Dallas County, Texas.

Kelly, Kim L., 618 Madison Avenue, Toppenish, Washington, convicted on March 29, 1974, in the Superior Court of Yakima County, Washington.

Kravitz, Shelton, 355 Peachtree Street, Atlanta, Georgia, convicted on June 27, 1972, in the Superior Court of New Jersey, Atlantic City, New Jersey.

Kubiak, Tommy Louis, 7620 Helmers, Houston, Texas, convicted on February 15, 1974, in the 183rd District Court of Harris County, Houston, Texas.

Larson, Curtis D., 1682 Deane Boulevard, Racine, Wisconsin, convicted on May 5, 1975, in the Ashland County Court, Ashland, Wisconsin.

Lindsey, Robert, 9913 123rd Avenue, NE, Lake Stevens, Virginia, convicted on December 27, 1974, in the Superior Court of Shonomish County, Washington.

Logan, Kenneth B., 1111 North 18th Street, East St. Louis, Illinois, convicted on May 7, 1974, in the United States District Court, Eastern District of Illinois, East St. Louis, Illinois.

Lugo, Steven H., 3138 West Orchid Lane, Phoenix, Arizona, convicted on October 3, 1973, in the Maricopa Superior Court, Phoenix, Arizona.

Luttrell, Gary J., 7118 Willoughby Avenue, Los Angeles, California, convicted on March 19, 1948, in the Circuit Court of Cook County, Illinois.

Malley, Herbert, Route 2, Box 239, Pass Christian, Mississippi, convicted on May 3, 1978, in the United States District Court, Southern District of Mississippi.

Mattley, Dennis, 1247 Missouri Street, Alliance, Nebraska, convicted on September 10, 1971, in the District Court of Scotts Bluff, Nebraska.

Mallory, Douglas M., 2320 Pineapple Place, Merritt Island, Florida, convicted on September 16, 1971, in the Circuit Court of Brevard County, Florida; and on November 16, 1973, in the Circuit Court of Lake County, Florida.

Mason, Patrick, 19812 Filbert Drive, Bothell, Washington, convicted on October 1, 1954, in the Superior Court of Spokane County, Washington.

Michalcik, Robert M., P.O. Box 5358, Pasadena, Texas, convicted on July 17, 1961, in the District Court, Wharton County, Texas.

Mordecai, Billy W., 5121 Curry Court, Madison, Wisconsin, convicted on February 19, 1975 in the Circuit Court of Choctaw County, Mississippi.

Morton, Randy, 1517 Tucker Street, Greensboro, North Carolina, convicted on March 11, 1974, in the Superior Court of Guilford County, North Carolina.

Mullenax, Robert E., 818 W. Chase Street, Springfield, Missouri, convicted on May 28, 1970, in the United States District Court, Eastern District of Missouri.

Mulligan, Kim L., 708 N. Warner, Bay City, Michigan, convicted on September 5, 1972, in the 74th District Court, Bay City, Michigan.

Murrey, Thomas W., 270 Deloach, Memphis, Tennessee, convicted on November 12, 1976, in the United States District Court, Western District of Tennessee.

McFarland, Kendall W., 5035 S. Cassia Way, Tucson, Arizona, convicted on September 23, 1971, in the Pima County Superior Court, Tucson, Arizona.

Neuman, Gary, 201 N. Washington Street, Aberdeen, Washington, convicted on June 13, 1975, in the Superior Court, Grays Harbor County, Washington

Owens, Derward, Route 5, DeFuniak Springs, Florida, convicted on January 9, 1966, May 24, 1966, and on May 24, 1966, in the United States District Court, Northern District of Florida.

Patterson, Edward L., 1405 North Lincoln, Amarillo, Texas, convicted on December 18, 1970, in the 47th District Court, Patter County, Amarillo, Texas; and on November 15, 1971, in the 181st District Court, Randall County, Texas.

Pettit, Robert L., 3410 Ravenia Drive, Des Moines, Iowa, convicted on January 26, 1976, in the United States District Court, Southern District of Iowa.

Potts, Frederick W. III, 1339 Tachevah Drive, Palm Springs, California, convicted on June 12, 1961, in the Superior Court of Kitsap County, Port Orchard, Washington.

Pratt, Thomas, 6709 12th Street, SW, Seattle, Washington, convicted on December 12, 1971, in the United States District Court, Western Judicial District, Seattle, Washington.

Pumilin, Philip, 17 Bernard Street, Lawrence, New York, convicted on October 23, 1947, in the Part II Supreme County Court, Queens County, New York.

Reibman, Bruce, 13255 2nd Street, SW, Seattle, Washington, convicted on April 28, 1977, in the King County Superior Court, Seattle, Washington.

Russ, Fred D., 2520 Brown Street, Little Rock, Arkansas, convicted on November 15, 1938, in the Columbia County Court, Magnolia, Arkansas.

Ryczek, Mark G., W335 N5298 Wedgewood Drive, Nashotah, Wisconsin, convicted on October 24, 1966, in the Ozaukee County Court, Port Washington, Wisconsin; and on April 17, 1969, in the Milwaukee County, Court, Wisconsin.

Schorzman, Daniel L., 2214 Wheeler, Apt. A, Killeen, Texas, convicted on July 27, 1973, in the Wake County Superior Court, North Carolina.

Schenk, Delvin O., 922 School Avenue, Walla Walla, Washington, convicted on July 31, 1969, in the Walla Walla, Washington Superior Court.

Schulte, William A., 1044 Keefe Street, St. Paul, Minnesota, convicted on November 17, 1975, in the 2nd Judicial District Court, Ramsey County, St. Paul, Minnesota.

Scrimger, David L., 107 Sprigg Street, Charles City, Iowa, convicted on June

8, 1966, in the Chickasa County, New Hampton, Iowa.

Sims, Jimmy D., RR4 Box 264, Greencastle, Indiana, convicted on May 16, 1966, in the United States District Court, Louisville, Kentucky.

Smith, Charles A., 1203 Harlem Avenue, Baltimore, Maryland, convicted on November 16, 1962, in the United States District Court, Baltimore, Maryland.

Spain, Billy L., Route 1 Box 108, Galena, Kansas, convicted on April 26, 1971, in the Superior Court of Orange County, California; and on July 16, 1971, in the Superior Court of Los Angeles County, California.

Starke, Robert N., Star Route 713, Lawrenceville, Virginia, convicted on April 14, 1969, in the Circuit Court of Brunswick County, Virginia.

Staub, Theodore Joel, 1202 Crestwood, Austin, Texas, convicted on June 30, 1977, in the 147th District Court, Travis County, Texas.

Stell, Carlton Lee, 4901 Rowlett Road, Chesterfield, Virginia, convicted on November 30, 1970, in the Colonial Heights Circuit Court, Colonial Heights, Virginia.

Stillman, Boris, 2 Apple Road, Monsey, New York, convicted on December 7, 1973, in the United States District Court, Southern District, New York.

Stover, Dennis E., Route 2, Box 63, Ellijay, Georgia, convicted on December 16, 1976, in the Gilmer County Circuit Court, Georgia.

Suits, Stephen E., 4365 McLaughlin Street, Los Angeles, California, convicted on December 23, 1960, in the Municipal Court, Los Angeles County, Santa Monica, California.

Sundt, Dale Bertram, 4615 Harriett Avenue, South, Minneapolis, Minnesota, convicted on October 27, 1964, in the Hennepin District Court, Fourth Judicial District, Minneapolis, Minnesota.

Tarpley, L. D., 4521 NW. 13th Place, Miami, Florida, convicted on April 6, 1927, in the Seventh Judicial Circuit Court of Brevard County, Florida.

Thomas, John B., 2030 Sunshine Road, Sonora, California, convicted on December 20, 1949, in the District Court State of Colorado, County of Larimer.

Thompson, Rodney, Box 274 Cascade, Montana, convicted on April 4, 1964, in the District Court of Mountrail County, North Dakota.

Thornton, Larry Neil, Route 3, Box 648, Pelham, Georgia, convicted on October 3, 1974, in the Mitchell County Superior Court, Georgia.

Toftdahl, Robert, 1481 Road 6 SW., Quincy, Washington, convicted on December 19, 1975, in the Superior Court of Grant County, Washington.

Van Doren, Harry B., Route 5, Box 283-A, Fayetteville, North Carolina, convicted on August 8, 1975, in the Superior Court, Cumberland County, North Carolina.

Vibbert, Willie Ray, 1724 Cherry Lane, Shelbyville, Kentucky, convicted on May 4, 1967, in the Barren County Circuit Court, Glasgow, Kentucky.

Walker, Charles E., P.O. Box 352, Louisa, Virginia, convicted on November 9, 1964, in the Circuit Court of the County of Louisa, Virginia.

Webb, Sr., James E., 3803 Old Ox Road, Dallas, Texas, convicted on December 1, 1967, in the Criminal District Court No. 5, Dallas County, Texas.

Wolfe, Lawrence, 15 Doughton Street, N. Wilkesboro, North Carolina, convicted on March 1, 1956, in the United States District Court, Wilkesboro, North Carolina; and on April 7, 1969, in the United States District Court, New Bern, North Carolina.

Woldert, Alex, 2829 Yorktown Drive, Tyler, Texas, convicted on October 2, 1975, in the Dallas County Criminal District Court, Texas.

Woolery, Larry E., 3221 South Main Street, Santa Ana, California, convicted on July 2, 1959, in the United States District Court, Northern District of California, Southern Division; and on October 23, 1959, in the Superior Court, County of Alameda, California.

Young, Everett E., Route 1, Box 117, Ferrum, Virginia, convicted on January 9, 1947, in the United States District Court for the Western Judicial District of Virginia, Roanoke, Virginia.

Yu, Kuo Ping, 32-49 86th Street, Jackson Heights, New York, convicted on July 1, 1976, in the United States District Court, Southern District New York, New York.

Zurndorfer, Frederick, 2614 North Clark, Chicago, Illinois, convicted on March 26, 1970, in the United States District Court, Laredo, Texas.

Compliance with Executive Order 12044

This notice of granting of relief does not meet the Department's criteria for significant regulations as set forth in the **Federal Register** of November 8, 1978.

G. R. Dickerson,

Director.

[FR Doc. 80-30606 Filed 10-1-80; 8:45 am]

BILLING CODE 4810-31-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Meeting

A special Commission meeting of the Upper Mississippi River Basin Commission will be held Friday, October 3, 1980 at the O'Hare Hilton in Chicago, Illinois. The Commission meeting will convene in the Amelia West room at 10:00 A.M. and the meeting will adjourn at approximately 12:00 noon. The meeting is expected to include Commission response to legislative action relative to the Master Plan.

Neil S. Haugerud,

Chairman.

[FR Doc. 80-30665 Filed 10-1-80; 8:45 am]

BILLING CODE 8410-02-M

VETERANS ADMINISTRATION

Central Office Education and Training Review Panel; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38 United States Code, will be held in Room 119, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC on October 16, 1980 at 10 a.m. The meeting will be held for the purpose of reviewing the August 13, 1980 decision of the Director, Veterans Administration Medical and Regional Office Center, San Juan, Puerto Rico, to terminate educational allowances to all veterans, their dependents or survivors enrolled at the Hato Rey Campus of the World University, Puerto Rico, and to stop processing new enrollments.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Robert Holbrook, Staff Specialist, Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office (phone (202) 389-2850) prior to October 14, 1980.

Dated: September 25, 1980.

Max Cleland,

Administrator.

[FR Doc. 80-30627 Filed 10-1-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 193
Thursday, October 2, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-294 Amdt. 1, Sept. 30, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the October 2, 1980 meeting.

TIME AND DATE: 9:30 a.m., October 2, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8a. Dockets 37873 and 37276, Golden West Airlines, Inc. Fitness Investigation, Golden West Airlines, Inc. Show-Cause Proceeding, Application of Golden West Airlines, Inc. for a certificate of public convenience and necessity. (Memo 9534-B, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: This item is being added to the October 2, 1980 agenda in order to meet a Subpart Q deadline of October 4, 1980. Accordingly, the following Members have voted that Item 8a be added to the October 2, 1980 agenda and that no earlier announcement of this addition was possible:

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.
Member James R. Smith.

[S-1823-80 Filed 9-30-80; 4:17 pm]

BILLING CODE 6320-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a closed meeting on the subjects listed below on Friday, October 3, 1980, following the regular open meeting which is scheduled to commemce at 9:30 a.m., in room 856, at 1919 M Street NW Washington, D.C.

Agenda, Item number and Subject

Hearing—1— "Request for Declaratory Ruling,"which also constitutes a petition for reconsideration of the Commission's Memorandum Opinion and Order, FCC 80-269, released May 13, 1980, in the Windsor, Connecticut, AM renewal proceeding (BC Docket Nos. 79-102 and 79-103).

Hearing—2— (1) Petition for partial reconsideration of *Memorandum Opinion and Order*, 77 FCC 2d 148 (1980), granting distress sale relief for station KBSA-TV, Guasti, California; (2) Supplement to petition for special relief, which was granted by *Memorandum Opinion and Order, supra.*

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 29, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-1810-80 Filed 9-30-80; 11:14 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an open meeting on the subjects listed below on Friday, October 3, 1980, starting at 9:30 a.m., in room 856, 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Memorandum Opinion and Order regarding a petition for issuance of a cease and desist order to show cause why the license issued to General Communications Company, Inc., (GCC) in the Business Radio Service, should not be revoked. *Summary:* The Commission will consider whether to initiate an inquiry, pursuant to Section 403 of the Communications Act, to determine whether there is sufficient factual information to warrant the institution of cease and desist and revocation proceedings against GCC.

Private Radio—1—*Title:* Expansion of 12.5 kHz offset frequency use. *Summary:* The FCC will consider whether to grant or deny a petition (RM-3569) which proposes that the Petroleum Radio Service be permitted to use 12.5 kHz offset frequencies in the 450-470 MHz band just as is now being done by the Business Radio Service. The Commission will discuss the advisability of permitting all private land mobile radio services (except Radiolocation which has no frequencies in the 450-470 range) to make use of those frequencies lying halfway between regularly assigned channels for limited area communications purposes. This is an expansion of the petitioner's request and reflects the wishes of representatives of other services who requested that they be included in whatever action the Commission might take looking toward use of the interstitial channels.

Common Carrier—1—*Title:* The United States Department of Defense v. The Hawaiian Telephone Company (Docket No. 20975). *Summary:* This proceeding was instituted on the basis of a complaint by the Department of Defense (DOD) charging that the Hawaiian Telephone Company's rates for C channel conditioning were excessive and therefore "unjust and unreasonable" under Section 201 of the Communications Act. In an initial decision the presiding Administrative Law Judge (ALJ) found that the rates were cost-justified and therefore lawful. DoD has filed exceptions to the initial decision, contending, in essence, that the ALJ's conclusion that the rates were cost-justified is based on an incorrect assessment of the record.

Common Carrier—2—*Title:* Application of Association of Data Processing Service Organizations, Inc. (ADAPSO) for review of three Common Carrier Bureau authorizations issued pursuant to delegated authority. *Summary:* This item considers ADAPSO's application to set aside or condition the Bureau's order of December 14, 1979, authorizing ITT World Communications Inc., RCA Global Communications, Inc., and Western Union International, Inc. to provide usage sensitive, packet switched data service between the United States and Japan.

Common Carrier—3—*Title:* Petition for an immediate declaratory ruling authorizing access to coded address information and delivery instructions compiled by the Western Union Telegraph Company for use in hinterland delivery of international messages. *Summary:* This item considers a petition by Graphnet, Inc. for an immediate declaratory ruling according it access to

address codes and delivery instructions necessary for delivery of international public messages destined for non-gateway city locales. The issue addressed is whether Western Union should be compelled to disclose its compiled information.

Common Carrier—4—*Title:* Petition of Aeronautical Radio, Inc. (ARINC) for Reconsideration of the Commission's TAT-7 desision. *Summary:* This item considers a petition by ARINC for reconsideratin of the TAT-7 desicion which, among other things, provided that only common carriers could acquire indefeasible-right-of-user interests in the TAT-7 cable. The issue addressed is whether ARINC in entitled to reconsideration despite its failure to paricipate during initial consideration of TAT-7 issues.

Common Carrier—5—*Title:* Petition for an immediate declaratory ruling authorizing access to coded address information and delivery instructions compiled by the Central Bureau of Registered Addresses (CBRA). *Summary:* This item considers a petition by Graphnet, Inc. for an immediate declaratory ruling according it access to address codes and delivery instructions necessary for the delivery of international public messages. The issue addressed is whether the CBRA, a joint venture of the major International Record Carriers, should be compelled to disclose its compiled information.

Common Carrier—6—*Title:* The American Telephone and Telegraph Company, Revisions to Tariffs FCC Nos. 260 and 267, Maintenance of Service Charge Associated with Private Line Service and Dataphone Digital Service, Transmittal No. 13512. *Summary:* The Commission will consider a petition for suspension and investigation of proposed revisions increasing the maintenance of service charge under AT&T Tariffs FCC Nos. 260 and 267.

Cable Television—1—Memorandum opinion and order in Rule Making 2703. The Commission has pending before it a "Petition for Rule Making" filed by Kaiser Broadcasting Company, requesting The commencement of a rulemaking proceeding to amend Section 76.55(a) of the Commission's Rules, so as to afford UHF television stations: (1) uniform channel assignment on cable systems within their "must-carry areas to the maximum extent feasible, and (2) "local station" priority in channel assignment on cable systems that employ more than twelve channels.

Cable Television—2—Report and order in CT Docket No. 78-233. The Commission has pending before it a proposed amendment to the cable television network nonduplication rules, which would exempt network programs of less than 30 minutes duration from application of the rules. Among the issues to be considered in this proceeding are (1) whether or not the problem of providing "black-out" protection for short programs is a significant one and (2) whether or not cable operators are subject to an undue burden in complying with the rules and (3) whether or not the public is in danger of losing programming because of the rules.

Cable Television—3—*Title:* Further proceedings in Docket 20553 relating to the carriage of "specialty" stations by cable television systems. *Subject:* Concerns what further action to take in Docket 20553 which was held open to consider the possible inclusion of subscription television and English language ethnic stations in the cable television "specialty" station definition.

Cable Television—4—"Petition for Continued Network Non-Duplication Protection Against Significantly Viewed Signal" (CSR-1742), filed April 23, 1980 by KDUB-TV, Inc. KDUB-TV, Inc. is the licensee of Station KDUB-TV (ABC, Channel 40) Dubuque, Iowa. KDUB-TV requests that the Commission waive Section 76.92(g) of the Commission's Rules as it affects the network programming of Stations KCRG-TV (Channel 9) Cedar Rapids, Iowa, WKOW-TV (Channel 27), Madison, Wisconsin, WQAD-TV, (Channel 8), Moline, Illinois, and WREX-TV (Channel 13), Rockford, Illinois, on cable television systems serving Dubuque, Joe Daviess County, Illinois, Grant County Wisconsin, and Galena and Hanover, Illinois that carry one or more of these signals. Cedar Rapids Television Company, licensee of KCRG-TV, has filed an opposition to KDUB-TV's petition.

Cable Television—5—"Consolidated Petition for Special Relief" (CSR-1338) filed August 21, 1978, by Thomas Television, Inc. Thomas Television, Inc, is the licensee of Station WATR-TV (NBC, Channel 20), Waterbury, Connecticut. Thomas requests that the Commission Waive Section 76.92(g) of the Commission's Rules as it affects the snetwork programming of Station WNBC-TV (NBC, Channel 4), New York, New York, carried on the cable television systems serving New Milford and Danbury, Connecticut, operated by New Milford Cablevision Company and by Teleprompter Connecticut CATV Corp., respectively. Thomas' motion is opposed by New Milford Cablevision and by Teleprompter.

Complaints and Compliance—1—*Title:* The Carter/Mondale Reelection Committee Request for Declaratory Ruling. *Summary:* Carter/Mondale requests a ruling that when entity purporting to be independent of candidate A purchases broadcast time which contains the indentified or identifiable voice or image of candidate A, that opposing candfidates must be entitled to equal opportunities on a free basis. The Commission will consider whether such equal opportunities should be paid for or free of charge.

Complaints and Compliance—2—*Title:* Application for Review filed on behalf of State Senator William H. Hernstadt of the Broadcast Bureau's ruling dated August 29, 1980. *Summary:* The FCC will consider whether to adopt of deny the Application for Review. This matter involves a licensee's refusal to sell a nonfederal candidate run of schedule ("ROS") spots, while making available fixed position spots, during the 45 days before a primary. The Commsission will consider the following issues: (1) Whether a nonfederal condidate has affirmative right to pruchase ROS spots during the 45/60 day periods before an election; (2) whether the 1967 case of *Triangle Publications, Inc.* (which held that licensees must sell candidates ROS spots on the same basis as made available to commercial advertisers) is still valid law, in light of subsequent Commission decisions; and (3) whether ROS spots are "classes of time," "discount privileges" or both?

Complaints and Compliance—3—*Title:* Application for Review filed on behalf of the "You Can't Afford Dodd Committee" of the Broadcast Bureau's ruling dated June 10, 1980. *Summary:* The FCC will consider whether to adopt the Broadcast Bureau's ruling which held that the Committee, as an unauthorized political committee, was not entitled to reasonable access, equal opportunities or quasi-equal opportunities.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 29, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-1811-80 Filed 9-30-80; 11:14 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold a special open meeting on the subject listed below on Thursday, October 2, 1980 at 9:30 a.m., in room 856, at 1919 M Street N.W., Washington, D.C. This matter was originally scheduled for consideration on Tuesday, September 30,1980.

Agenda, Item No. and Subject

General—1— *Title:* Direct Broadcasting Satellites. *Summary:* The Commission will consider staff reports concerning technical and regulatory issues for direct broadcast satellites.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Officer, telephone number (202) 254-7674.

Issued: September 26, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-1819-80 Field 9-30-80; 3:29 pm]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

FCC holds emergency closed meeting, Thursday, September 25th.

The Federal Communications Commission held an emergency closed meeting on Thursday, September 25, 1980, at 1919 M Street NW., Washington, D.C. on the following subject:

Internal Personnel Matters

The prompt and orderly conduct of Commission business did not permit announcement of this meeting prior to the meeting.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 30, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-1820-80 Filed 9-30-80; 3:18 pm]

BILLING CODE 6712-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, September 29, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a Notice of Acquisition of Control regarding Bank of Palm Springs, Palm Springs, California.

The Board further determined, by that same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Blanco de Ponce, Ponce, Puerto Rico, for consent to establish a branch at the intersection of State Road 20 and Washington Avenue, Guaynobo, Puerto Rico.

Application of Banco de Ponce, Ponce, Puerto Rico, for consent to retire shares of its outstanding common stock.

Petition for reconsideration of a previous determination that the provisions of the Change in Bank Control Act apply to an acquisition of shares in Banco de Ponce, Ponce, Puerto Rico.

The Board further determined, by that same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsection (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10)).

Dated: September 29, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1814-80 Filed 9-30-80; 1:14 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, September 29, 1980, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding the liquidation of assets acquired by the Corporation from Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Recommendation with respect to payment for legal services rendered and expenses incurred by Morgan, Lewis and Bockius, Philadelphia, Pennsylvania, in connection with the liquidation of Centennial Bank, Philadelphia, Pennsylvania.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: September 29, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1815-80 Filed 9-30-80; 1:16 pm]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, October 6, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Application for Federal deposit insurance:

Albany State Bank, a proposed new bank, to be located at Clay and Polk Streets, Albany, Missouri, for Federal deposit insurance.

Request for modification of a condition previously imposed in granting Federal deposit insurance:

Western State Bank, Duarte, California.

Request for elimination of a condition previously imposed in granting Federal deposit insurance:

International Central Bank, Newport Beach, California.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,482-L—Franklin National Bank New York, New York.

Case No. 44,487-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii).

Personnel actions regarding appointments promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the

"Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Report of the Office of Corporate Audits regarding the liquidation of Bank of Lake Helen, Lake Helen, Florida, dated June 24, 1980.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 29, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1816–80 Filed 9–30–80; 1:19 pm]

BILLING CODE 6714–01–M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, October 6, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Powell, Goldstein, Frazer & Murphy, Atlanta, Georgia, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Memorandum and Resolution re: Final amendments to Part 327 of the Corporation's rules and regulations entitled "Assessments."

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 29, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1817–80 Filed 9–30–80; 1:20 pm]

BILLING CODE 6714–01–M

10

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, October 7, 1980 at 10 a.m.

PLACE 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Litigation. Audits. Audit and Compliance Thresholds.

* * * * *

DATE AND TIME: Wednesday, October 8, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Any matters not concluded on October 7, 1980.

* * * * *

DATE AND TIME: Thursday, October 9, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public (fifth floor).

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinions:
Draft AO 1980–110—Lester B. Adler (local Democratic Committee).
Draft AO 1980–115—Judith Boggs, Chairperson, Pierce O'Donnell Democrat for Congress.
1980 Election and related matters.
Appropriations and budget: Budget Execution Report.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S–1821–80 Filed 9–30–80; 3:37 pm]

BILLING CODE 6715–01–M

11

FEDERAL ENERGY REGULATORY COMMISSION.

(September 29, 1980).

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 2 p.m., September 30, 1980.

PLACE: Room 9306, 825 North Capitol Street, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Continuation of meeting held on September 26, 1980 on deliberations concerning the agency's participation in a civil action.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary.

The following members of the Commission voted that agency business required the holding of a closed meeting on less than the one week's notice required by the Government in the Sunshine Act:

Chairman Curtis.
Commissioner Sheldon.
Commissioner Holden.
Commissioner Hall.
Commissioner Hughes.

Lois D. Cashell,

Acting Secretary.

[S–1804–80 Filed 9–29–80; 4:12 pm]

BILLING CODE 6450–85–M

12

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 64340, September 29, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., October 1, 1980.

CHANGE IN MEETING: The following items have been added:

Item Number, Docket Number and Company

CAP–11: EL80–27, Tufflite Plastic, Inc.
ER–6: EL80–22, General Public Utilities Corp.
M–12: RM80– , Rule adopting revised alternative fuel price ceilings for the State of Rhode Island.
RP–7: OR78–5, Northville Dock Pipe Line Corp. and Consolidated Petroleum Terminal, Inc.

CP-10: CP74-94 (phase I and phase II). United Gas Pipe Line Co. v. Billy J. McCombs, *et al.*

Lois D. Cashell,

Acting Secretary.

[S-1822-80 Filed 9-30-80; 4:01 pm]

BILLING CODE 6450-85-M

13

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 9:30 a.m., September 30, 1980.

PLACE: 1700 G Street N.W., sixth floor, Washington, D.C.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Merger and Increase of Accounts of an Insurable Type—Ohio Savings Association, Cleveland, Ohio INTO Shaker Savings Association, Shaker Heights, Ohio.
Policy Statement on NOW Account Advertising Prior to 12/31/80—Federal Register Document.
Renegotiable Rate Mortgages-Option to use Long-Term Note—Federal Register Document.
Semi-Annual Agenda—Federal Register Document.
Marketable Certificates of Deposit; Brokered Funds—Federal Register Document.
NOW Accounts—Federal Register Document.
Graduated Payment Adjustable Mortgage—Federal Register Document.
Share Appreciation Mortgages—Federal Register Document.

[S-1808-80 Filed 9-30-80; 9:52 am]

BILLING CODE 6720-01-M

14

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

September 24, 1980.

TIME AND DATE: 10 a.m., Wednesday, October 1, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Glen Munsey v. Smitty Baker Coal Co., NORT 71-96 (Issues include liability of successor company for violations of section 110(b) of the Fedeal Coal Mine Health and Safety Act of 1969).
2. Old Ben Coal Company, VINC 75-180-P, etc. (Issues include whether accumulations existed in violation of 30 CFR § 75.400).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

[S-1813-80 Filed 9-30-80; 11:14 am]

BILLING CODE 6820-12-M

15

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

September 24, 1980.

TIME AND DATE: 10 a.m., Monday, September 29, 1980.

PLACE: Room 600 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Homestake Mining Company, Docket No. CENT 79-27-M, etc. (Petition for Discretionary Review)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

[S-1812-80 Filed 9-30-80; 11:14 am]

BILLING CODE 6820-12-M

16

INSTITUTE OF MUSEUM SERVICES.

National Museum Services Board Meeting.

The National Museum Services Board (NMSB) will hold an open meeting October 10-11, 1980 in Atlanta, Georgia to discuss the grant review process of the Institute of Museum Services (IMS) and the statistics on the 1980 IMS grant recipients. The NMSB will also consider the consolidated regulations pertaining to the fiscal year 1981 grants program, the IMS budget for fiscal year 1982, and new administrative procedures within the Department of Education.

The Board will meet from 9 a.m. to 4:30 p.m., October 10, in the Region IV Office Building, Suite 2221, 101 Marietta Tower, Atlanta, Georgia; and from 9 a.m. to 1 p.m., October 11, in the Member's Room, M Level, Atlanta Memorial Arts Center.

FOR FURTHER INFORMATION, CONTACT: Kate Merlino, 202/245-8817.

Dated: September 18, 1980.

Lee Kimche,

Director.

[S-1805-80 Filed 9-29-80; 4:38 pm]

BILLING CODE 4110-24-M

17

INTERAGENCY REGULATORY LIAISON GROUP.

AGENCY: Interagency Regulatory Liaison Group composed of the Consumer Product Safety Commission (CPSC), the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), Department of Health and Human Services; the Food Safety and Quality Service (FSQS), Department of Agriculture, and the Occupational Safety and Health Administration, Department of Labor (OSHA).

ACTION: Notice of cancellation of meeting.

DATE: October 7, 1980, from 1 p.m. to 4 p.m.

DATE: Environmental Protection Agency's First Floor Conference Room, 345 Courtland Street NE., Atlanta, Georgia.

Dated: September 30, 1980.

Susan F. Guenette,

Executive Assistant, Interagency Regulatory Liaison Group.

[S-1824-80 Filed 9-30-80; 4:26 pm]

BILLING CODE 6560-25-M

18

LEGAL SERVICES CORPORATION.

Meeting of the Operations Committee.

TIME AND DATE: 10:30 a.m.-5 p.m., Tuesday, October 14, 1980.

PLACE: Legal Services Corporation, eigth floor conference room 1, 733 15th Street N.W., Washington, D.C.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of June 12, 1980 Meeting.
3. Report on Congressional Reauthorization and Board Nominations.
4. Discussion of Proposed Amendment to 45 CFR Part 1612.
5. Discussion of Proposed Affirmative Action Plan for the Legal Services Corporation.
6. Discussion of Comprehensive Civil Rights Regulation.
7. Discussion of Short-funding.
8. discussion of 45 CFR Part 1607.
9. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President (202) 272-4040.

Issued; September 30, 1980.

Dan J. Bradley,

President.

[S-1818-80 Filed 9-30-80; 1:21 p.m.]

BILLING CODE 6820-35-M

19

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of change in subject of meeting.

The National Credit Union Administration Board has determined that its business requires that the previously announced closed meeting on October 2, 1980, include an additional

item which is closed to public observation:

Field of Membership Conversion. Closed pursuant to exemptions (8) and (10).

Earlier announcement of this change was not possible.

The previously announced items were:

1. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Administrative Action under Section 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).

The meeting to be held at 10:30 a.m. in the Board Room, 7th floor, 1776 G Street NW., Washington, D.C. Information may be obtained from Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1807–80 Filed 9–29–80; 4:39 pm]

BILLING CODE 7535–01–M

20

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of change in subject of meeting

The National Credit Union Administration Board has determined that its business requires that the previously announced closed meeting on September 25, 1980, include an additional item which was closed to public observation:

Consideration of applicants for participation in the Community Development Credit Union Program. Closed pursuant to exemptions (8) and (9)(B).

Earlier announcement of this change was not possible.

The previously announced items were:

1. NCUSIF recommended guidelines for internal practices. Closed pursuant to exemption (9)(B).
2. Administrative Actions under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
3. Proposed Conversion. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Personnel Actions. Closed pursuant to exemption (6).

The meeting was held at 10:30 a.m. in the Board Room, seventh floor, 1776 G Street N.W., Washington, D.C. Information may be obtained from Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

Chairman Lawrence Connell and Board members P. A. Mack and Harold Alonza Black voted unanimously to accept this addition to the agenda.

[S–1806–80 Filed 9–29–80; 4:39 pm]

BILLING CODE 7535–01–M

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SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, September 25, 1980.

CHANGES IN THE MEETING: Rescheduling/additional items.

The following closed items scheduled for Tuesday, September 30, 1980, has been rescheduled for Wednesday, October 1, 1980, following the 10 a.m. open meeting.

Regulatory matters bearing enforcement implications.

The following additional items will be considered at a closed meeting scheduled for Wednesday, October 1, 1980, following the 10 a.m. open meeting:

Formal order of investigation.
Litigation matter.

Commission Loomis, Evans, and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Granda at (202) 272–2091.

September 29, 1980.

[S–1809–80 Filed 9–30–80; 10:30 am]

BILLING CODE 8010–01–M

federal register

Thursday
October 2, 1980

Part II

Nuclear Regulatory Commission

Domestic Licensing of Production and Utilization Facilities; Interim Requirements Related to Hydrogen Control and Certain Degraded Core Considerations and Consideration of Degraded or Melted Cores in Safety Regulation

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Domestic Licensing of Production and Utilization Facilities; Interim Requirements Related to Hydrogen Control and Certain Degraded Core Consideratons

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The accident at Three Mile Island, Unit 2, resulted in a severely damaged or degraded reactor core with the concomitant release of radioactive material to the primary coolant system and generation of hydrogen from fuel cladding-water reaction well in excess of the amounts required to be assumed for design purposes by the current Commission regulations. Furthermore, the accident revealed design and operational limitations that existed relative to mitigating the consequences of the accident and determining the status of the facility during and following the accident. The Nuclear Regulatory Commission (NRC) is therefore initiating a long-term rulemaking to consider to what extent, if any, nuclear power plants should be designed to deal effectively with degraded-core and core-melt accidents. In the interim, the Commission is considering amending its regulations to improve hydrogen management in light-water reactor facilities and to provide specific design and other requirements to mitigate the consequences of accidents resulting in a degraded reactor core.

DATES: Comment period expires November 3, 1980. Comments received after November 3, 1980 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before November 3, 1980.

ADDRESS: Written comments or suggestions for consideration in connection with the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Morton R. Fleishman, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5921.

SUPPLEMENTARY INFORMATION: The recent accident at Three Mile Island, Unit 2 (TMI-2), resulted in a severely damaged or degraded reactor core with a concomitant release of radioactive material to the primary coolant system and a large amount of fuel cladding metal-water (zirconium-oxygen) reaction in the core with hydrogen generation well in excess of the amounts required to be considered for design purposes by 10 CFR § 50.44, Standards for combustible gas control system in light water cooled power reactors. The accident revealed design and operational limitations that existed relative to mitigating the consequences of the accident and determining the status of the facility during and following the accident. To correct this situation the Commission has decided to revise its regulations so as to incorporate improvements derived from studies of the TMI-2 accident. The initial findings relative to the TMI-2 accident have been published in NUREG-0578, "TMI-2 Lessons Learned Task Force Status Report and Short-Term Recommendations," dated July 1979, and NUREG-0585, "TMI-2 Lessons Learned Task Force Final Report," dated October 1979.*

The NRC's Office of Nuclear Reactor Regulation has also sent letters to all licensees of operating nuclear power plants, operating license applicants, licensees of plants under construction and pending construction permit applicants, informing them of the followup actions that should be taken in light of the lessons learned from TMI-2. Specifically for all operating nuclear power plants, letters were sent on September 13, 1979 concerning "Followup Actions Resulting from the NRC Staff Reviews Regarding the Three Mile Island Unit 2 Accident," in which a set of recommendations was presented that was to be implemented. Regional meetings were held during the week of September 24, 1979 to explain in more detail each of the recommendations. On October 30, 1979, letters were again sent to all licensees of operating nuclear power plants to provide additional clarification of the NRC staff recommendations (Discussion of Lessons Learned Short Term Requirements).

The Commission has identified a number of recommendations that are specifically related to accidents that involve severely damaged or degraded reactor cores. These have been determined to be of such safety significance that they should be codified by regulation in order to provide assurance that the public health and safety will be adequately protected. The specific dates to be required for implementation by the proposed amendments have been revised from the dates in the previously mentioned letters. However, the implementation dates are being reconsidered during this phase of the rulemaking and specific comments on this subject are welcomed.

The following discussion provides the background information, justification and clarification of the amendments, relative to degraded core accidents, that are proposed to be adopted by the Commission in response to the TMI-2 accident. Additional specific guidance for complying with the proposed amendments may be found in the previously mentioned letters to licensees of operating nuclear power plants. The proposed amendments themselves are presented after the discussion. The discussion is organized in the same order as the proposed amendments for ease in convenient cross reference.

Hydrogen Management (§ 50.44(c)(3) (i) and (ii))

Section 50.44, Standards for combustible gas control system in light water cooled power reactors, requires a licensee or license applicant to show that, during the time immediately following a postulated loss-of-coolant accident (LOCA) but before effective operation of the combustible gas control system, either: (1) an uncontrolled hydrogen-oxygen recombination will not take place in the containment, or (2) the plant can withstand the consequences of uncontrolled hydrogen-oxygen recombination without loss of safety. If neither of these conditions can be shown, the containment must be provided with an inerted atmosphere or an oxygen deficient condition in order to provide protection against hydrogen burning and explosions during this time.

Section 50.44 gives credit to performance of the emergency core cooling system (ECCS) by specifying that the amount of hydrogen assumed to be contributed by the metal-water reaction shall be either five times the total amount of hydrogen calculated in demonstrating compliance with the ECCS acceptance criteria (§ 50.46, Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors) or an amount related to a specific depth of fuel clad reacted (approximately one percent of

*Copies of these reports may be obtained from GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

the fuel clad), whichever amount is greater. As a result, if a licensee or license applicant can show that the calculated metal-water reaction is well within the ECCS acceptance criteria (e.g., less than 0.5 percent of the fuel clad reacts which would be well within the 1.0 percent specified in the ECCs criteria), it is a straightforward task to demonstrate that there is no need to inert the containment of its plant, even if the plant has a small containment volume such as in a Mark I or Mark II boiling water reactor (BWR).

Most operating BWR plants with Mark I containments have been inerted due to guidance provided in an early version of Regulatory Guide 1.7, "Control of Combustibles as Concentrations in Containment following a Loss-of-Coolant Accident," in which the designs were required to accommodate five percent metal-water reaction during the LOCA blowdown. This guide was in effect prior to promulgation of § 50.44. The combination of containment volume and zirconium inventory of the BWR Mark I containments made it necessary to inert these containments to ensure that the hydrogen concentration in containment following a LOCA would not exceed the lower flammability limit of 4 volume percent in air. Section 50.44 and associated changes to Regulatory Guide 1.7 allowing credit for ECCS performance potentially reduced the amount of metal-water reaction that was required to be considered in the containment design. This permitted Hatch 2, a Mark I BWR plant located in Baxley, Georgia, and operated by the Georgia Power Co., to operate without inerting. In addition, it would permit Mark II BWR plants now in the operating license (OL) review process to operate without inerting. By a ruling of the Appeal Board (ALAB-229, September 18, 1974; 8 AEC 425 (1974)), inerting was not required for the Vermont Yankee plant, located in Vernon, Vermont, and operated by the Vermont Yankee Nuclear Power Corporation.

The Commission believes that pending completion of a long-term rulemaking proceeding related to consideration of degraded or melted cores in safety regulation, which will include a reevaluation of all positions on the inerting of reactor containments, it would be prudent, in the interim, to establish certain inerting requirements for operating plants and those that will be operated in the near term as follows: (1) Mark I and II BWR containments be inerted. While the decrease in residual risk due to inerting these containments is small, as determined by probabilistic analyses, (a) there are no significant countervailing safety disincentives; (b) the cost of inerting is small; and (c) there has been substantial satisfactory experience with inerting Mark I containments. (2) Ice condenser containments for pressurized water reactor (PWR) plants not be inerted at this time. While inerting ice condenser containments would result in a greater decrease in the calculated residual risk, compared to BWR containments, there are significant reasons for not inerting such as, (a) inerting would result in an increased personnel hazard, since these containments must be entered frequently during routine operations for maintenance purposes; (b) inerting could lead to a decrease in safety performance of the ice consenser because of increased difficulty in maintenance; and (c) inerting is not within proven technology for this type of containment and would have to be thoroughly analyzed and tested (with likely changes in design) before imposing such a requirement. (3) Other PWR containments not be inerted at this time. While inerting would likely produce a small decrease in residual risk, any decrease would be substantially less than for Mark I or II BWR containments because of the substantially larger containment volumes and the fact that these containments can probably withstand higher pressures from hydrogen burns. Both of these considerations would permit substantially greater volumes of hydrogen to be generated.

The Commission is therefore considering amending § 50.44 to require that: (1) all operating Mark BWRs be inerted; (2) Mark I and II BWRs now under construction be inerted upon operation; and (3) licensees now operating PWR plants or Mark III BWR plants, or license applicants that plan to operate these plants, study the various methods of controlling the behavior of large amounts of hydrogen before the containment is threatened, or of mitigating the consequences of accidents involving the generation of large amounts of hydrogen. These studies should take the adverse safety aspects of the design features as well as their costs into account, recognizing that tradeoffs may be necessary. They should cover a range that includes both the realistic (best estimate) ultimate strength of the containment as well as the conservative design basis. The maximum duration for hydrogen generation was specified to be eight hours because it was felt this provided an adequate limit based on credible accident scenarois. It neglects the hydrogen generated by radiolytic decomposition which is more than adequately accounted for by the assumption used for the percent of fuel clad that reacts. For purposes of providing a reasonable bound to the studies, an upper limit of 75 percent should be used for the percent of fuel clad that reacts to produce hydrogen. As indicated previously, this can also account for the hydrogen that would be generated from other possible sources such as from the stainless steelsteam reaction or radiolytic decomposition. The Commission will require that the studies include sensitivity analyses concerning the effects of different amounts of hydrogen, and that the methods to be considered for hydrogen control include but not be limited to: (1) inerting of containment; (2) use of hydrogen recombiners; (3) use of purge systems; (4) use of a halon suppressant system; (5) use of a filtered-vent system; (6) use of a hydrogen combustion system; (7) use of water fog spray; and (8) combinations of these. It is anticipated that, where appropriate, owners groups will be formed for similar facilities to perform these studies and thus eliminate duplication.

It should be noted that this proposed amendment will require that the Mark I containments for the Vermont Yankee and Hatch 2 BWR plants be treated in a manner similar to other operating BWR plants with Mark I containments. The first domestic BWR Mark II is scheduled for fuel loading in late-1980, and the first domestic BWR Mark III is scheduled for fuel loading about September 1981.

Additional information and discussion on the inerting of light-water-reactor containments may be found in SECY-80-107, "Proposed Interim Hydrogen Control Requirements for Small Containments," and SECY-80-107 A and B, "Additional Information Re: Proposed Interim Hydrogen Control Requirements,"* and NUREG-0578 and NUREG-0585 which were referenced earlier.

The Commission realizes that amending § 50.44 to require inerting of Mark I and II BWRs does not settle the issue of how to treat degraded core accidents in general and hydrogen management in particular. There are numerous regulations which may be affected by the consideration of degraded core accidents. Some of these are Criteria 16 and 50 of Appendix A to 10 CFR Part 50, which are related to containment design, and § 100.11 of 10

*Copies of those documents are available from the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

CFR Part 100, which is related to the siting of nuclear reactors. Also, the remainder of § 50.44, particularly in regard to the hydrogen generation assumptions, is not being considered for revision at this time. Since § 50.44(d) is not being changed, the hydrogen control system does not have to accommodate any more hydrogen than that associated with either five times the metal-water reaction calculated to occur during a postulated loss-of-coolant accident or a one percent metal-water reaction, whichever is greater. The Commission is performing a systematic review of all of its regulations from the standpoint of consistency relative to the treatment of degraded core accidents. Furthermore, the Commission has initiated a longer term rulemaking effort relative to consideration of degraded or melted cores in safety regulation that would identify, among other things, whether and to what extent designers need to consider degraded core accidents.

Dedicated Hydrogen Control Penetrations (§ 50.44(c)(3)(iii))

Paragraphs 50.44(d), (e), (f), and (g) of 10 CFR Part 50 require the incorporation of hydrogen recombiners or post-accident purge systems for the control of combustible gas concentrations inside containment, depending on the date of the notice of hearing on the application for the construction permit (CP) for the plant. All plants for which the CP hearing notice was published after November 5, 1970, must use combustible gas control systems such as hydrogen recombiners for the post-accident control of combustible gas in the containment building. Plants for which the notice of hearing was published prior to November 5, 1970, may use post-accident purging of the containment for combustible gas control depending on whether or not they meet certain site radiation dose criteria.

The TMI-2 plant had provisions for post-accident installation and operation of an external hydrogen recombiner for combustible gas control. However, the design of the external recombiner hookup at TMI-2 use the 36-inch containment penetrations for the normal containment purge system by tapping 4-inch lines off the purge lines outside the containment building between the building and the outer containment isolation valves. Operation of the hydrogen recombiner required the opening of the inboard 36-inch containment isolation valve in both a containment purge system inlet and outlet line. With this design, once the hydrogen recombiner is put into operation, containment integrity is vulnerable to a single active failure. That is, a spurious or inadvertent opening of one of the 36-inch outboard containment isolation valves would result in the venting of the containment to the environment.

The purpose of this proposed amendment is to provide assurance that facilities with hookups for external recombiners or post-accident purge systems that are susceptible to single failures, and that would result in operation of the unit beyond its design capacity, have design modifications made to correct this situation. Systems designed to meet these proposed requirements would not provide through-line leakage paths between the containment atmosphere and the environment and would eliminate the possibility of violating the containment integrity through a single active failure during hydrogen recombiner or purge system operation.

Hydrogen Recombiner Capacility (§ 50.44(c)(3)(iv))

As discussed previously, existing regulations permit plants for which the notice of CP hearing was published prior to November 5, 1970 to use only purge systems for combustible gas control subject to certain site radiation dose criteria. Depending on the containment design for these plants, the design basis for the purge system would lead to a release of the containment atmosphere for long-term hydrogen control in a period of time varying from a few weeks to several months.

Recombiners designed to meet current Commission requirements are not capable of preventing the hydrogen combustion and the resultant containment pressure spike that occurred in the TMI-2 containment building during the course of the accident. However, had there not been the capability to use a recombiner at TMI-2, it is possible that under a different accident scenario venting of the highly radioactive containment atmosphere may have been necessary in the weeks following the start of the accident.

As indicated in the discussion under Hydrogen Management, the Commission has initiated a long-term rulemaking effort relative to consideration of degraded or melted cores in safety regulation. Part of this rulemaking will involve a thorough reevaluation of hydrogen generation and control including the design bases for current hydrogen recombiners. However, based on the TMI-2 experience, and the desire to reduce the likelihood of releasing significant amounts of radioactive material to the environment, the Commission believes that it would be prudent to provide means for hydrogen control that do not involve venting to the atmosphere. Because recombiner technology is well established and relatively inexpensive, the Commission is considering amending its regulations (new § 50.44(c)(3)(iv)) to require that all plants that currently rely on venting as the primary means for combustible gas control be provided with the capability to install external hydrogen recombiners following the start of an accident. This will require the use of dedicated containment penetrations as well as appropriate shielding, electrical power and operational procedures. The recombiner capability would only be required to satisfy the combustible gas control requirements of § 50.44 and thus would not be required to have any more capability than that needed to control hydrogen resulting from at most a 5 percent metal water reaction. This would provide a long-term hydrogen control capability but not a capability to quickly reduce the concentration of large amounts of hydrogen such as was generated during the TMI-2 accident. The need for this capability will be addressed during the long-term rulemaking on consideration of degraded or melted cores in safety regulation.

High Point Vents in the Reactor Coolant System (§ 50.44a(a))

During the TMI-2 accident, a substantial volume of hydrogen was generated in the primary system. Helium fill-gas and fission product noble gases were also released. In other reators under different circumstances, nitrogen, which drives the passive injection water system in PWRs, may also be a potential source of gas in the primary system. There is a concern that the accumulation of pockets of noncondensible gases in the primary system of a reactor may interfere with the natural circulation pattern that is regarded as an important safety feature in some accident sequences. In other sequences, pockets of noncondensible gases may interfere with pump operation. It has therefore been concluded that under certain circumstances it would be desirable to have provisions for venting noncondensible gases from high points in the primary system. The vents would have to be operable from a remote location, such as the control room.

Furthermore, the introduction of hydrogen from the primary system into the containment building can create a flammable atmosphere unless precautions are taken against this eventuality. Obviously, the decision to place such a vent system into operation

would have to be made with the greatest care and restraint.

The purpose of this proposed amendment is: (1) to provide reactor coolant system and reactor vessel head high point vents remotely operable from the control room in reactors where these are not already in place; and (2) to provide assurance that the use of these vents will not further aggravate the challenge to containment or the course of the emergency. This proposed requirement is also interpreted to mean that other systems which may be required to maintain adequate core cooling such as the isolation condenser in BWRs, and the decay heat removal system, have the capability to be remotely vented if the accumulation of noncondensible gases would cause their loss of function. It is recognized that it is impracticable to vent each of the many thousands of tubes in a U-tube steam generator. Procedures should be developed which ensure that sufficient liquid or steam can enter the U-tube region so that decay heat can be effectively removed from the reactor coolant system. Proposed § 50.44a(g), "Training to Mitigate Degraded Core Accidents," includes plans and training for the use of the high point vents in emergency situations.

Protection of Safety Equipment and Areas Which May Be Used During and Following and Accident (§ 50.44a(b)(1))

During and following an accident that results in a severly degraded core, a large amount of radioactive material may be relased from the fuel as a result of cladding failure and be carried throughout the facility by the water in which it is dispersed, and by the circulating air. Systems that were not designed to contain large amounts of radioactive material, such as the auxiliary building at TMI-2, may become highly contaminated. The resulting radiation fields may make it difficult to effectively perform accident recovery operations or may impair the functioning of systems important to safety. These systems, although not specifically identified to perform post-accident functions, may nevertheless be of significant value after an accident. In addition, areas which may be used during and following an accident, such as control rooms, radwaste panels, emergency power supplies, and instrument areas may fall within the radiation fields of these systems.

Procedures for the use of these areas during and following an accident may be all that is necessary. In other instances, permanent or temporary shielding may be valuable. Remote instrument and control capability may also solve some problems. Finally, the solution may require basic design improvements in the facilities, components or systems.

Areas that may be used during and following an accident should be provided with appropriate shielding and other radiation protection measures so that personnel performing necessary safety functions will not receive more than a 5 rem whole body dose or its equivalent to any part of the body. When determining anticipated personnel doses for the purpose of meeting this facility design criterion, care must be taken to determine the necessary occupancy time in a specific area. For example, areas in which there will be continuous occupancy are required to have much lower design dose rates than areas where minimal occupancy is expected. Therefore, the facility design should be based upon expected occupancy, as well as the radioactivity present and the shielding available.

The purpose of the proposed design requirement (§ 50.44a(b)(1)) is to facilitate operations during and following an accident in areas affected by systems that may contain abnormally high levels of radiocativity and to ensure that safety equipment in proximity to the resulting radiation fields is not unduly degraded. It should be noted that the radioactive material release specified in § 50.44a(b)(1)(i) represents the Commission's position at this time; however, this position will be reevaluated during the long-term rulemaking on consideration of degraded or melted cores in safety regulation.

In-Plant Iodine Instrumentation (§ 50.44a(b)(2))

10 CFR Part 20 provides criteria for control of exposures of individuals to radiation in restricted areas, including airborne radioiodine. Since iodine concentates in the thyroid gland, airborne concentrations must be known in order to evalaute the potential dose to the thyroid. If the airborne radioiodine concentration is overestimated, plant personnel may be needlessly required to perform operations while wearing respiratory protective equipment. Such action can sharply limit communication capability and may diminish personnel performance during an accident.

The concentration of radioiodine in air is determined by use of an iodine adsorbing cartridge through which air has been pumped. The cartridge is removed from the air pump and allowed to ventilate to permit any adsorbed noble gases to difuse to the atmosphere. The cartridge is then analyzed for radioactivity content, which is ascribed to radioiodine. While this procedure is conservative, it is possible for sufficient noble gas to be adsorbed and not released from the charcoal that the resulting radioiodine determination may be unduly conservative (high). Because the radioiodine concentration was greatly overestimated at TMI-2, plant personnel were required to perform their operations while wearing respiratory protective equipment when this use was not necessary. Actual concentrations were probably below levels requiring protective actions. One acceptable method to minimize this problem is to measure the radioiodine by gamma energy spectrum analysis. Equipment for these measurements is commercially available.

Effective monitoring of radioiodine levels in the building, under accident conditions, could include the use of portable analyzers and instruments. Alternatively, the capability should be provided to remove the filter sample to a low background, low contamination area, for analysis, to prevent measurement inaccuracies due to background radiation.

The purpose of the proposed requirement (§ 50.44a(b)(2)) is to improve the accuracy of measurement of airborne radioiodine concentrations within nuclear power plants.

Sampling During and Following an Accident (§ 50.44a(c))

Timely information from reactor coolant and containment air samples can be important to reactor operators for their assessment of system conditions can influence their subsequent actions to maintain the facility in a safe condition. During and following an accident, significant amounts of fission products may be present in the reactor coolant and containment air, creating high radiation levels throughout the facility. These high radiation levels may delay the obtaining of information from samples. The high background radiation, high sample radiation, and high levels of airborne contamination may render in-plant radiological spectrum analysis equipment inoperable during and after an accident.

At TMI-2, all of the above problems were encountered. There was no capability to obtain and analyze in a timely manner the reactor coolant and containment air samples under the existing accident conditions. The acquisition of reactor coolant and containment air samples was delayed for several days while personnel radiation protection precautions were taken. Once the samples were obtained,

there were significant delays in performing the radiological spectrum analysis of the samples. The TMI-2 spectrum analysis equipment was inoperable because of high background radiation and the samples had to be packaged and flown to an offsite laboratory for analysis.

In summary, radiation levels at TMI-2 delayed acquisition of information to confirm that significant core damage had occurred. Prompt acquisition and analysis of reactor coolant samples within a few hours after the initial scram would have indicated that significant core damage had occurred. With such information, earlier remedial actions could have been taken. Similarly, analysis of an early containment air sample would have indicated the presence of hydrogen, and of radioisotopes indicating significant core damage, and the potential for a hydrogen explosion in the containment.

The sampling facilities are required to meet the design criteria of § 50.44a(c) as well as those of § 50.44a(b)(1). All sources of radiation should be considered in evaluating the designs, such as the sample lines, the samples themselves, and other radioactive lines near the sampling stations and analysis facilities.

Leakage Integrity Outside Containment (§ 50.44a(d))

Several of the engineered safety features and auxiliary systems, located outside reactor containment, will or may have to function during a serious transient or accident with large radioactive inventories in the process fluids. The leakage from these systems, when operated, must be minimized or eliminated to prevent the release of significant amounts of radioactive materials to the environment. Examples of engineered safety features include residual heat removal, containment spray recirculation, and high-pressure injection recirculation. Examples of auxiliary systems include sampling, makeup and letdown, and waste gas. These systems are checked during pre-operational testing and startup testing but are not usually included in any periodic leak testing program. It is important that the plant operating staff know the leakage rates of these systems and minimize this leakage to the maximum extent practicable.

Some of these systems were used during the TMI-2 accident with resultant releases of radioactive materials to the auxiliary building ventiliation systems. These releases are believed to have resulted from leaking relief valves, waste gas compressor seals, valves, manifold lines, and open rupture discs. Uncertainties in the leakage rate of the residual heat removal system could have hindered its use if it had been needed. The lesson learned in this case was that more positive control and knowledge of the leakage rates of these systems is needed to provide the operating staff with the maximum usable equipment and to restrict or control the release of radioactive materials to the environment.

The purposes of this proposed amendment are to require that every reasonable effort be made to eliminate or reduce the leakage from these systems, to require that periodic tests are performed to ensure that the leakage from these systems is minimized to the maximum extent practicable, and to provide the plant staff with current knowledge of the system leakage rates.

Accident Monitoring Instrumentation (§ 50.44a(e))

The accident at TMI-2 demonstrated that containment conditions can arise that are more severe than those that were postulated to occur during design basis accidents.

Approximately ten hours after the start of the accident at TMI-2, a 28-psig pressure spike occurred in the containment building. It is believed that the pressure spike was due to the rapid burning of hydrogen gas in the containment atmosphere. It is known that the pressure spike represented a serious condition within containment and that the pressure indication itself could have been, but was not then accepted as, critical information to the plant operators. The events at TMI-2 clearly reaffirm the need for containment pressure indication in the control room. The instrumentation range should extend from a lower limit of five psi below normal operational pressure to an upper limit of three times the design pressure for concrete containments and four times the design pressure for steel containments.

The sequence of events during the accident at TMI-2 indicate another item of information which could have been, but was not immediately accepted as, critical information in the diagnosis of the accident, namely the free liquid inventory in the containment building. During the accident, reactor primary coolant water vented through the drain tank relief valve and drained to the containment sump. Prior to containment isolation, water in the containment sump was discharged to the auxiliary building sump tank. Because containment sump pump operation had routinely occurred several times a day before the accident, the transfer process was not recognized as a potential source of contaminated water in containment. Additionally, the accumulation of water in the TMI-2 containment probably contributed to equipment failure due to flooding. The events clearly establish a need for accurate containment water level indication in the control room, with instrument ranges which include maximum accident flooding levels.

The third item of information which was subsequently considered to be of critical importance in determining containment conditions at TMI-2 was a measurement of the hydrogen concentration in the containment atmosphere. Hydrogen gas was produced as a result of the reaction of zirconium metal from the fuel cladding and primary coolant water in the reactor core. The gas was vented from the reactor coolant system to the containment atmosphere. The free hydrogen in containment resulted in a rapid burn and pressure spike event in the containment. Samples of containment atmosphere were taken following the accident at TMI-2, but the process involved risk to workers and did not yield real-time information. The events clearly show that it is essential that the operator have continuous information about the containment atmosphere hydrogen concentration for indication of the need and use of reactor pressure vessel venting or containment combustible gas control systems.

Indication of containment pressure, containment water level, and hydrogen concentration in the containment atmosphere will provide critical information to the operator on containment conditions during and following an accident and should be qualified to the criteria for instrumentation important to safety. These parameters should be continuously provided and recorded in the control room of all nuclear reactor power plants.

The radiation level inside containment is closely related to the potential release of radioactive materials in the plant effluents. At TMI-2, the radiation monitor in containment had a range limit of 10^6 R/hr, which was adequate to meet the conditions of the accident. In reviewing the monitoring capabilities of other plants, however, it was found that there are few operating plants with instrumentation capable of measuring levels in excess of 10^6 R/hr. During the initial post-accident period at TMI-2, questions arose as to the validity of the instrument readout and to the operational characteristics of the instrument under the accident environment. The Commission considers that the high-level monitoring

instrumentation in the containment at TMI-2 was adequate to measure the existing radiation levels; however, it also considers that the range limit of this instrumentation should be increased to greater than 10^6 R/hr and consit of at least two channels, each separated physically from the other, and that the instrumentation system should be qualified to the criteria for instrumentation important to safety.

Guidance on the ranges and specifications of the accident monitoring instruments discussed above can be found in proposed Revision 2 of Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident,"* which is presently out of public comment.

Radioactive gaseous effluent monitors designed to operate under conditions of normal operation and anticipated operational occurrences do not have sufficient range to function under release conditions associated with certain types of accidents. General Design Criterion 64 of Appendix A to 10 CFR Part 50 requires that effluent discharge paths be monitored for radioactivity that may be released from postulated accidents. The gaseous effluent monitoring system for TMI was evaluated during the licensing review and was found to be adequate for calculated releases from previously postulated accidents; however, the TMI-2 experience gives rise to new postulated design basis accidents and their associated releases.

At TMI-2, the noble gas section of the gaseous radioactive effluent monitor serving the plant vent was designed to measure concentrations up to 10^{-2} μCi/cc (Xe−133). During the initial phases of the accident, radioactive noble gas effluent monitor readings were off scale, with actual release concentrations calculated to be on the order of 10^{-1} μCi/cc to 1 μCi/cc.

A section of the TMI-2 plant vent gaseous radioactive effluent monitor designed to detect and measure radioiodine releases, while remaining on scale, gave an erroneous indication of high radioiodine content in releases from the vent during the initial phases of the accident. The indication was caused by adsorption of short-lived noble gases in the charcoal cartridge, with the presence of the noble gases being read and erroneously interpreted as radioiodine by the monitor readout system.

A similar condition existed in the section of the plant vent monitor designed to detect and measure the presence of particulate radioactive material in plant gaseous effluents. In this case, the presence of noble gases in the gas stream passing through the monitor's particulate filter was sufficient to cause the particulate section of the monitor to read off scale and erroneously indicate that large quantities of particulates were being released from the plant vent.

The problem is generic. A recent survey of existing radioactive gaseous effluent monitoring capabilities of operating plants shows that less than 20 percent of operating plants have monitors that would have stayed on scale under the conditions of the TMI-2 accident. Also, it can be shown that the potential releases from postulated accidents may be several orders of magnitude higher than was encountered at TMI-2. Under such circumstances, none of the effluent monitors now in service at any operating plant would remain on scale.

A requirement for effluent monitors to have an operating range sufficient to permit on-scale readings under accident conditions is needed to provide meaningful release information for offsite emergency actions. Examples of anticipated release points that should be monitored are: the auxiliary building, radwaste building, waste gas decay tanks, main condenser air ejector, BWR main condenser vacuum pump exhaust, PWR steam safety valves and atmosphere steam dump valves, and BWR turbine building. Other examples would be areas that communicate directly with systems which may contain primary coolant or containment gases, such as letdown and emergency core cooling systems, and external hydrogen recombiners.

Based on data submitted by plant operators, the installed capability exists for monitoring noble gas releases up to a concentration of approximately 1×10^3 μCi/cc, which is a factor of 10^5 higher than the maximum range of the instrumentation in use at TMI-2.

It has been calculated that the maximum concentration of undiluted noble gases which could be present in effluent gaseous releases is on the order of 10^5 μCi/cc. The Commission considers the upper detection limit of 10^5 μCi/cc for noble gases to be technically achievable. Guidance on the ranges and specifications for the required instruments can be found in proposed Revision 2 of Regulatory Guide 1.97.

The Commission understands that technological problems exist in monitoring of radioactive particulates and radioiodines in accident level releases, at calculated maximum radioiodine concentrations on the order of 10^2 μCi/cc. It has therefore concluded that sampling of plant gaseous effluents, with laboratory analysis of samples subsequent to release, is the only currently valid technique for monitoring accident level releases of radioiodines and particulates. The proposed amendment would require that this technique be used until on-line monitoring capability for accident level releases is developed. Existing radioiodine effluent monitoring equipment should be used to monitor radioiodine releases within instrumentation design limitations, with sampling and analysis being used to extend monitoring capabilities to accident levels.

Detection of Inadequate Core Cooling (§ 50.44a(f))

During the TMI-2 accident, the condition of low water level in the reactor vessel and inadequate core cooling was not recognized for a long period of time. This problem was the result of a combination of factors including an insufficient range of existing instrumentation, inadequate emergency procedures, inadequate operator training, unfavorable instrument location (scattered information), and perhaps insufficient instrumentation. The instrumentation already available on some operating reactors that could indicate inadequate core cooling includes core exit thermocouples, cold leg and hot leg resistance temperature detectors (RTDs), in-core neutron detectors, ex-core neutron detectors, and reactor coolant pump current meters. Generally, such systems were included in the reactor design to perform functions other than monitoring of core cooling or indication of vessel water level. The as designed and field-modified instrumentation at TMI-2 did not provide sufficient information to indicate reduced reactor vessel coolant level, core voiding, and deteriorated core thermal conditions to the reactor operators at the time of the accident, although, in retrospect, this could be inferred from the instrument records. An additional diagnostic tool that was not available was a continuous indication of the margin to saturated conditions in the primary coolant. A meter to provide this information is proposed to be required for all PWRs.

The purpose of this proposed amendment is to provide the reactor

*Copies of this draft regulatory guide may be obtained from the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

operator with instrumentation, procedures, and training necessary to readily recognize and implement actions to correct or avoid conditions of inadequate core cooling.

Training to Mitigate Degraded Core Accidents (§ 50.44a(g))

The TMI-2 accident has pointed out the need to improve the capability to recognize, diagnose, control and mitigate the consequences of accidents resulting in a degraded reactor core. That is, the operating personnel should have the capability to respond to events that are more severe than those transients and accidents considered as the design basis for the plant.

The purpose of this proposed amendment is to require additional training, for all operating personnel, specifically in relation to accidents involving a degraded core. This training will prepare the operating personnel to use all the available instrumentation and equipment to properly respond to such accidents.

In addition to the proposed interim rulemaking, the Commission has initiated a long-term rulemaking in which it is considering whether and to what extent its regulations should be amended to deal effectively with a broad range of accidents involving a reactor whose core has been degraded or melted. As part of the long-term rulemaking, an advance notice of proposed rulemaking has been issued soliciting comments on certain specific questions. Any views and comments submitted in response to this notice of proposed interim rulemaking will also be considered, along with comments submitted in response to the advance notice of proposed rulemaking, in the overall long-term rulemaking related to consideration of degraded or melted cores in safety regulation. Pending completion of the long-term rulemaking, it is the Commission's judgment that implementation of the requirements hereby being proposed will, in the interim, provide sufficient assurance that the health and safety of the public will be adequately protected relative to degraded core accidents. Other documents which support this position are SECY-80-107, 107A, 107B, NUREG-0578 and NUREG-0585 which were referenced previously.

(Separate views of Commissioners Gilinsky and Bradford are attached.)

Accordingly, notice is hereby given that, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, adoption of the following amendments to 10 CFR Part 50 are contemplated.

PART 50—DOMESTIC LICENSING OR PRODUCTION AND UTILIZATION FACILITIES

1. Section 50.44 of 10 CFR Part 50 is amended by revising paragraph (c) to read as follows:

§ 50.44 Standards for combustible gas control system in light water cooled power reactors.

* * * * *

(c)(1) For each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy cladding, it shall be shown that during the time period following a postulated LOCA but prior to effective operation of the combustible gas control system, either: (i) An uncontrolled hydrogen-oxygen recombination would not take place in the containment; or (ii) the plant could withstand the consequences of uncontrolled hydrogen-oxygen recombination without loss of safety function.

(2) If neither of these conditions can be shown, the containment shall be provided with an inerted atmosphere or an oxygen deficient condition in order to provide protection against hydrogen burning and explosions during this time period.

(3) However:

(i) As soon as practicable but not later than June 30, 1981, an inerted atmosphere shall be provided for each boiling light-water reactor facility for which the application for a construction permit was docketed between March 15, 1964 and July 1, 1972; and

(ii) Design analyses shall be performed (A) for each boiling light-water reactor facility for which the application for a construction permit was docketed after July 1, 1972 and, (B) for each pressurized light-water reactor facility, to evaluate measures that can be taken to mitigate the consequences of large amounts of hydrogen generated within 8 hours after the start of an accident (hydrogen resulting from the reaction of up to about 75 percent of the fuel cladding with water). These design analyses and a proposed design (or designs) to mitigate the consequences of hydrogen in containment shall be completed and submitted to the Commission by (6 months from effective date of rule) or the date of docketing of the application for the operating license, whichever is later.

(iii) By June 30, 1981, facilities that rely upon external recombiners or purge systems to satisfy the requirements of § 50.44 shall be provided with containment penetrations for the external recombiners or purge systems that either:

(A) are dedicated to that service only, conform to the requirements of Criteria 54 and 56 of Appendix A, are designed against an assumed single failure, and are sized to satisfy the flow requirements of the external recombiners or purge systems, or

(B) are of a combined design for use by either external recombiners or purge systems and other systems, conform to the requirements of Criteria 54 and 56 of Appendix A, are designed against an assumed single failure both for containment isolation purposes and for operation of the external recombiners or purge systems, and are sized to satisfy the flow requirements of the external recombiners or purge systems.

(iv) By January 1, 1982, facilities that rely upon purge systems as the primary means for controlling combustible gases following a LOCA shall be provided with the capability to install external recombiners following the start of an accident that meet the combustible gas control requirements of this section. The containment penetrations that are used must meet the criteria in paragraphs (c)(3)(iii)(A) and (c)(3)(iii)(B) of this section applicable to external recombiners.

* * * * *

2. A new § 50.44a is added to 10 CFR Part 50 to read as follows:

§ 50.44a Design requirements to mitigate the consequences of accidents resulting in a degraded core.

(a) *High Point Vents.* By January 1, 1982, each boiling and pressurized light-water nuclear power reactor shall be provided with reactor coolant system and reactor vessel head high point vents [1] remotely operated from the control room to provide improved operational capability for maintaining adequate core cooling following an accident. Since these vents form a part of the reactor coolant pressure boundary, the design of the vents and associated controls, instruments and power sources must conform to the requirements of Appendix A and Appendix B. In particular, these vents shall be designed in such a way that no single failure could result in either (1) a loss of the capability of the vents to perform their safety functions or (2) inadvertent actuation of a vent.

(b)(1) *Protection of Safety Equipment and Areas Which May be Used During and Following an Accident.* By January 1, 1982, each boiling and pressurized light-water nuclear power reactor shall

[1] Except that the tubes in U-tube steam generators do not require venting.

be provided with both adequate access to areas which may be used during and following an accident and protection of safety equipment so that an accident, which results in the release of large amounts of radioactive material, will not limit personnel occupancy or degrade safety equipment, by the radiation fields that may exist during and following the accident, to the extent that required safety functions cannot be accomplished.

(i) The facility design must be based on a release of radioactive material from the fuel to the primary coolant system that is not less than 100% of the core equilibrium noble gas inventory, 50% of the core equilibrium halogen inventory, and 1% of the remaining core fission products. For equipment and areas affected by the ractor coolant, it shall be assumed that the above distribution of radioactive material is intimately mixed with the coolant water. For equipment and areas affected by the containment atmosphere, it shall be assumed that not less than 100% of the core equilibrium noble gas inventory and 25% of the core equilibrium halogen inventory are uniformly dispersed in the containment atmosphere and an additional 25% of the core equilibrium halogen inventory and 1% of the remaining core fission products are uniformly distributed on surfaces exposed to the containment atmosphere.

(ii) The facility design must be such that an individual operator will not receive more than a 5 rem whole body dose, or its equivalent to any part of the body, while performing a necessary safety function during and following an accident.

(2) *In-Plant Iodine Instrumentation.* By January 1, 1981,[2] each boiling and pressurized light-water nuclear power reactor shall be provided with instrumentation, equipment and associated training and procedures for determining, under accident conditions, the airborne radioiodine concentration in areas within the facility where plant personnel may be present during and following an accident.

(c) *Sampling During and Following an Accident.* By January 1, 1982, each boiling and pressurized light-water nuclear power reactor shall be provided with the capability for personnel to obtain and quantitatively analyze a reactor coolant or containment atmosphere sample during and following an accident.

(1) The facility design must be based on the radioactive material release terms described in paragraph (b)(1)(i) of this section.

(2) The capability to obtain a sample must include the capability for doing so, promptly, and without incurring a radiation exposure to any individual in excess of 3 rem to the whole body, or its equivalent to any part of the body.

(3) The capability to quantitatively analyze a sample must be based on the use of either in-line monitoring or an onsite radiological and chemical analysis facility, and must provide, as needed, quantification of the following:

(i) Those radioisotopes necessary to determine the degree of core damage;

(ii) Hydrogen in the containment atmosphere;

(iii) Total dissolved gases and dissolved hydrogen gas in the reactor coolant;

(iv) Boron in the reactor coolant; and

(v) Chloride in the reactor coolant.

(d) *Leakage Integrity Outside Containment.*

(1) Each boiling and pressurized light-water nuclear power reactor licensee shall implement leak reduction measures so that leakage from systems outside containment (systems that would or could contain highly radioactive fluids during and following a serious transient or accident) is eliminated or minimized to the maximum extent practicable to prevent the release of significant amounts of radioactive material during and following an accident. Consideration shall be given to reductions of potential release paths that could result from design or operator deficiencies.

(2) Each boiling and pressurized light-water nuclear power reactor licensee shall establish and implement a program of preventive maintenance to eliminate or minimize, to the maximum extent practicable, leakage from systems outside containment. This shall include periodic integrated leak tests at intervals not to exceed each refueling cycle as well as the reduction of potential release paths by appropriate operator training.

(e) *Accident Monitoring Instrumentation.* Each boiling and pressurized light-water nuclear power reactor shall have the capability during and following an accident for:

(1) Providing and recording in the control room a continuous indication of:

(i) Containment pressure by January 1, 1981[2];

(ii) Hydrogen concentration in the containment atmosphere by October 1, 1981;

(iii) Containment water level by January 1, 1981[2];

(iv) Containment radiation level by October 1, 1981;

(v) Radioactive noble gas concentrations in the effluents by October 1, 1981; and

(2) Quantifying the concentration of radioiodines and radioactive particulates in the airborne effluents at each anticipated release point by October 1, 1981.

(3) All the instruments and monitoring systems used for accident monitoring shall be designed and qualified (with extended ranges) to perform their function following an accident characterized by the radioactive material release terms described in paragraph (b)(1)(i) of this section.

(f) *Detection of Inadequate Core Cooling.*

(1) Each boiling and pressurized light-water nuclear power reactor licensee shall develop and implement procedures and training to be used by the operators to recognize the existence of inadequate core cooling and low coolant level in the reactor core using available instrumentation.

(2) Each pressurized light-water nuclear power reactor shall be provided with a primary coolant saturation meter (subcooling meter) that provides in the control room a continuous, recorded, on-line indication, of the primary coolant saturation condition.

(3) By January 1, 1982, each boiling and pressurized light-water nuclear power reactor shall be provided with instrumentation such as a reactor vessel water level indicator which supplies to the control room a recorded, unambiguous, direct indication, of inadequate core cooling. The indication must cover the complete range from normal operation to complete core uncovering and give advance warning of the approach of inadequate core cooling.

(4) All instruments used to detect the existence of inadequate core cooling shall be designed and qualified to perform their function following an accident characterized by the radioactive material release terms described in paragraph (b)(1)(i) of this section.

(g) *Training to Mitigate Degraded Core Accidents.* By April 1, 1981, each boiling and pressurized light-water nuclear power reactor licensee shall include in its training program for all operating personnel training to recognize, control and mitigate the consequencies of accidents in which the core is severely damaged. The training shall include the use of all available structures, systems and components that can control or mitigate degraded core accidents.

(Secs. 103, 161b., Pub. L. 83–703, 68 Stat. 936, 948; Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 2133, 2201(b), 5841).)

[2] Or 30 days after the effective date of the rule, whichever is later.

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

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Commissioner Gilkinsky's Separate Views Regarding Publication of the Proposed Rule—Interim Requirements Related to Hydrogen Control and Certain Degraded Core Considerations

As the summary of this **Federal Register** Notice states at the outset, "the accident at Three Mile Island, Unit 2, resulted in . . . generation of hydrogen from fuel cladding-water reaction well in excess of the amounts required to be assumed for design purposes by the current Commission regulations." Yet, in approving this Notice, the Commission in effect proposes to retain the outdated regulations. The proposed rule does little more in the area of hydrogen control than to prevent elimination of a protective measure now in place—use of a nitrogen atmosphere in the containment of boiling water reactors to prevent hydrogen buring—where such elimination might be permitted by current regulations. In the case of pressurized water reactors with ice condenser containments and the latest design boiling water reactors the proposed rule does not advance the level of protection at all. It is this aspect of the proposed rule that I disagree with.

The existing rule (10 CFR 50.44) is based on a view that only a small amount of hydrogen can be generated during an accident. Prior to the Three Mile Island accident, reaction of as much as one percent of the reactor fuel's zirconium cladding with water was regarded as extremely unlikely, even in a major loss of coolant accident. Now we know that larger quantities of hydrogen might be generated in lesser accidents—as much as 50 percent of the zirconium cladding in the TMI-2 core is estimated to have reacted with water thereby releasing several hundred kilograms of hydrogen to the containment. In proposing not to require additional hydrogen control measures in ice condenser containments, the staff and Commission have argued that the changes brought about after the Three Mile Island accident have now really made the probability of generating large quantities of hydrogen insignificant. That assumes a rather more complete understanding of the operational characteristics of large power reactors than I believe experience shows. The Commission should have proposed that all powers reactors demonstrate an ability to cope effectively with amounts of hydrogen roughly comparable to that generated at Three Mile Island.

Commissioner Bradford agrees with these comments except for the statement suggesting that the publication of the rule for comment "in effect proposes to retain the outdated regulations."

[FR Doc. 80-30595 Filed 10-1-80; 8:45 am]

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10 CFR Part 50

Domestic Licensing of Production and Utilization Facilities; Consideration of Degraded or Melted Cores in Safety Regulation

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission is considering amending its regulations to determine to what extent commercial nuclear power plants should be designed to cope with reactor accidents beyond those considered in the current "design basis accident" approach. In particular, this rulemaking would consider the need for nuclear power plant designs to be evaluated over a range of degraded core cooling events with resulting core damage and the need for design improvements to cope with these events.

This advance notice of proposed rulemaking is being issued to invite advice and recommendations on several questions concerning design and operational improvements for dealing with degraded core cooling. Therefore, the preliminary views expressed in this notice may change in light of comments received. In any case, there will be an opportunity later for additional public comment in connection with any proposed rule that may be developed by the Commission.

DATES: The comment period expires December 31, 1980.

ADDRESSES: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Comments may also be delivered to Room 1121, 1717 H Street NW., Washington, D.C., between 8:15 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: M. S. Medeiros, Jr., Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or telephone (301) 443-5913.

SUPPLEMENTARY INFORMATION:

Historical Background

The Nuclear Regulatory Commission (NRC) is responsible for licensing and regulating nuclear power plants. Before a nuclear power plant can be built at a particular site, a construction permit must be obtained from the NRC. As a major part of the application for a construction permit, the applicant files a Safety Analysis Report. This report presents the design criteria and preliminary design information for the proposed nuclear power plant and provides information on the proposed site. The report also discusses various abnormal conditions and accident situations and describes safety features to be provided to prevent accidents or, if they should occur, to mitigate their effects on public health and safety.

In nuclear power plants, large amounts of radioactive material are generated during fission of nuclear reactor fuel. Although this radioactive material generally remains in the fuel pellets, significant amounts can be released to the reactor coolant during accident conditions. For appreciable amounts of radioactive material to be released from the fuel, it must experience damage from one or more of several possible causes. For example, a hydraulic-mechanical accident at normal fuel temperatures can burst fuel cladding resulting in release of radioactive material normally retained in the gap between the fuel pellets and the fuel clad. A more serious type of accident involving higher fuel temperatures might, in addition to rupturing fuel cladding, cause oxidation of the cladding. This, in turn, would cause hydrogen to be generated and released which would compound the severity of the accident. A still more serious accident might involve very high fuel temperatures and oxidation of a large fraction of the core's zirconium. In this case, not only would large amounts of hydrogen be released to the containment building, but other thermal reactions could result in the release of radioactive material normally held captive in the fuel pellets. Finally, an accident so severe that core melting occurs could release large amounts of radioactive material to the environment if reactor containment integrity were also to be lost.

Based on these considerations, a broad range of nuclear power plant abnormal conditions and accidents with

the potential to cause fuel clad damage and release of radioactive material to the environment has been identified and categorized for analysis. Attempting to prevent abnormal conditions and accidents and mitigating their potential consequences have been the primary objectives of nuclear power plant safety design. The Safety Analysis Report is a key analysis document supporting the adequacy of this aspect of nuclear power plant design.

As discussed in Title 10, Chapter 1, Code of Federal Regulations, § 50.34(a), in the Safety Analysis Report the applicant is required to determine margins of safety for both normal and abnormal operations and to determine "the adequacy of structures, systems, and components provided for prevention of accidents and the mitigation of the consequences of accidents." To assist the applicant in complying with this regulation, the NRC has published Regulatory Guide 1.70, Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants,[1] which describes the information to be provided in the Safety Analysis Report. In particular, section 15 of Regulatory Guide 1.70 provides guidance to an applicant concerning "design basis assumptions acceptable to the NRC for purposes of determining adequacy of the plant design to meet 10 CFR Part 100 criteria." Regulatory Guide 1.70 explains that these design basis assumptions can, for the most part, be found in regulatory guides that deal with radiological releases and suggests use of Regulatory Guides 1.3 and 1.4, Assumptions Used for Evaluation of the Potential Radiological Consequences of a Loss-of-Coolant Accident.[1] Regulatory Guide 1.70 further states that "This analysis should be referred to as the 'design basis analysis.'" Operating events corresponding to design basis assumptions are termed "design basis accidents," and satisfactory analysis conclusions concerning them allow a judgment that the facility can be operated without undue risk to the health and safety of the public.

It should be noted that these events are analyzed primarily for the purpose of establishing the adequacy of engineered safety features, such features being those structures, systems, and components, designed into a plant to mitigate the consequences of postulated design basis accidents, and which supplement other plant features designed to meet performance specifications for normal operations and anticipated abnormal conditions.

[1] Available from the U.S. Nuclear Regulatory Commission, Washington, DC 20555

In the Safety Analysis Report the applicant is not required, however, to explicitly analyze accidents more severe than the design basis accidents.[2] This approach was based on the assumption that such accidents are of sufficiently low probability that mitigation of their consequences is not necessary for public safety. This low probability was thought to result from the "defense in depth" approach that requires conservative design, multiple physical barriers, quality assurance for design, manufacture and operation, and continued surveillance and testing to prevent such accidents.

Furthermore, in reviewing reactor plant designs using the "design basis accident" approach, the NRC does not review all structures, systems, and components but rather reviews, in varying levels of detail, only those considered "safety grade" by the applicant submitting a Safety Analysis Report. Items considered by the applicant to be outside the scope of design basis accident analyses are generally not considered to be "safety grade" and are not reviewed by the NRC to see whether they will perform as intended or meet various dependability criteria. This method of classification is based on the notion that things credited in the analysis of a design basis event or specified in the regulations are important to safety and thus are "safety grade" while all else is "non-safety grade." Non-safety grade items do not receive continuing regulatory supervision or surveillance to see that they are properly maintained or that their design is not changed in some way that might interact negatively with other systems. Instead, these items simply receive what attention may be dictated by routine industrial codes and by desires to enhance plan availability.

Historically, a further assumption in design review and licensing was that if reactor plant systems can handle large-scale design basis accidents, they can also handle a spectrum of smaller accidents that are regarded as being "within the design envelope."

The accident at Three Mile Island resulted in core damage more severe than that considered in current design basis events[4] and has shown the need to re-examine these historical approaches to analyzing reactor plant design and plant accidents. The October 1979 Report of the President's Commission on the Accident at Three Mile Island[5] recommended that in-depth studies be initiated on the probabilities and consequences (onsite and offsite) of nuclear power plant accidents, including the consequences of core meltdown. This report recommended that these studies include a variety of small-break, loss-of-coolant accidents and multiple-failure accidents, with particular attention to human failures. The report stated that "from these studies may emerge desirable modifications in the design of plants that will help prevent accidents and mitigate their consequences. For example consideration should be given to equipment that would facilitate the controlled safe venting of hydrogen gas from the reactor cooling system," and "consideration should be given to overall gas-tight enclosure of the let-down/make-up system with the option of returning gases to the containment building."

Similarly, the January 1980 report, Three Mile Island, A Report to the Commissioners and to the Public,[6] states, "* * * we have come far beyond the point at which the existing, stylized design basis accident review approach is sufficient. The process is not good enough to pinpoint many important design weaknesses or to address all the relevant design issues. Some important accidents are outside or are not adequately assessed within the 'design envelope'; key systems are not 'safety related'; and integration of human factors into the design is grossly inadequate."

Commission's Intentions

Accordingly, it is the Commission's intent to determine what changes, if any, in reactor plant designs and safety analyses are needed to take into account reactor accidents beyond those considered in the current design basis accident approach. Accidents under consideration include a range of loss-of-core-cooling, core damage, and core-melting events both inside and outside historical design envelopes. Furthermore, the Commission will

[2] There are other design requirements which would presuppose events where significant core damage and release of radioactive material has occurred. For example, radioactive source terms of Technical Information Document TID-14844, Calculation of Distance Factors for Power and Test Reactor Sites,[3] which imply a major reactor accident, are used to judge design adequacy of various engineered safety features and certain other plant systems and components.

[3] Available from National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

[4] However, there was no release of fission products from the core more severe than that presumed in 10 CFR Part 100 or TID-14844.

[5] "The Need for Change: The Legacy of TMI," available from the U.S. Government Printing Office, Washington, D.C. 20402.

[6] Copies may be obtained from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

consider whether to require more coherent consideration of this range of core damage events in the design of both normal operating systems and engineered safety features. Therefore, this advance notice of proposed rulemaking is being published to provide the regulated industry and the public an opportunity to provide advice and recommendations to the Commission on what should be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes. The rulemaking proceeding will address the objectives of such a regulation, the design and operational improvements being considered, the effect on other safety considerations, and the costs of such design improvements compared to expected benefits.

Recognizing the need for prompt action to correct specific deficiencies identified during the Three Mile Island accident and subsequent investigations, the Commission is publishing a proposed interim rule that would require certain interim improvements to better cope with degraded reactor cores. That proposed interim rule should not be viewed as prejudging the final action concerning this advance notice of proposed rulemaking, and comments should be framed accordingly.

In addition to this **Federal Register** Notice, the Commission's Office of Standards Development is making a direct mailing to affected licensees and other known interested persons to ensure that they are aware of this advance notice of proposed rulemaking.

Summary of Features Being Considered for Proposed Rule

The Commission is considering initiating rulemaking that would require that a broader range of accidents of both lesser and greater severity than the design basis accident, including a fully melted core, be considered in plant design, plant operation, and reactor safety analyses.

Specific Considerations

Advice and recommendations on a proposed rule reflecting the foregoing feature and on any other proints considered pertinent are invited from all interested persons. Comment is also invited on the extent to which any additional measures should be backfitted. Comments and supporting reasons are particularly requested on the following questions:

1. If loss of core cooling and resultant core damage occur in a nuclear power plant, there are certain predictable consequences. Can these consequences be mitigated substantially, and the risk of severe public health danger thereby reduced substantially, by practicable design improvements? If not, why not, or, if so, what design improvements can be made and at what estimated cost? How would your recommendations affect other safety considerations?

2. The Three Mile Island accident was terminated after the core was damaged severely but before substantial melting occurred, a condition beyond the current design-basis-accident events considered in the safety analysis. Should the NRC require that events of this type be considered in future safety analyses? If not, why not, or, if so, what criteria would you impose to judge design acceptability?

3. Although the consequences of core-melt accidents have been considered to some extent in assessing nuclear power plant safety, such as in requirements for siting, emergency response plans, and certain engineered safety features, explicit consideration of the capability of current designs and casulty procedures to cope with core-melt accidents has not been a part of safety analysis scrutiny by the NRC. Should core-melt accidents be specifically evaluated in safety analysis reviews, and, if so, to what extend, or, if not, why not?

4. Recognizing that there can never be complete assurance that only analyzed events as delineated in a Safety Analysis Report will occur, what additional analyses, procedures, or design features would propose to mitigate fuel damage accidents in the range from extensive clad perforation without oxidation, through a few percent clad oxidation, through extensive oxidation to full core meltdown? Would you recommend different and perhaps overlapping design features depending on the severity of core damage to be coped with?

5. To what extent should reactor design and reactor safety analysis account for engineered safety features not working at all, not working well, or being defeated by the operator, resulting in severe core damage? What limits should be placed on multiple failure and operator error assumptions made in safety analyses and how should probabilistic risk assessment be used to determine these limits?

6. Should the NRC require construction, at each nuclear reactor plant site, of a new structure for controlled filtering venting of the reactor containment structure? Would you limit the function of such a new structure to filtering particulates, elemental iodine, and inorganic iodine or would you include adsobption bed systems using charcoal or other processes so that organic iodine and noble gases could also be trapped? What quantities and release rates of gases and particulates would you design such a structure to handle and at what removal efficiency and cost? Do the potential reductions in risk expected from such a structure offset potential increases in risk that may materialize from incedents such as inadvertent operation or the concentration of hydrogen in the filtering apparatus?

7. Should the NRC require incorporation into containment design, systems for controlling combustion of hydrogen? Do you favor methods of control that suppress combustion or do you favor controlled burning? If you favor suppression of combustion, what techniques would you recommend and should they vary as a function of the design capability of current containments? If you favor controlled burning; do you recommend open flames, spark plugs, catalytic combustors, or some other means? What percent of zirconium oxidation in the core and at what rate would you design for? Would you respond differently for different reactor or containment types? If so, what differences would you recommend?

8. Would you recommend that all nuclear power plants operate with a nitrogen-enriched containment atmosphere as some BWR plants currently do? Why or why not and, if not, to which types of containment, if any, would you limit required nitrogen enrichment?

9. Should the NRC require incorporation into containment design, a core retention system to mitigate the consequences of core meltdown by, for example, increasing resistance to molten core debris penetration and thereby substantially reducing gas, vapor and aerosol generation to less than that which occurs when core debris is allowed to interact with concrete? Assuming a core retention system is required, do you favor a device that delays melt-through of the containment basemat, or a device that permanently retains core debris within the containment building? If you favor delay of core melt-through, do you recommend refractory materials (such as MgO, ZrO_2) to protect the containment concrete basemat, or do you recommend some other means? If you favor permanent retention of core debris, do you recommend using refractory materials in combination with cooling systems that rely either on natural convective cooling or forced pumping of coolant around the extremities of the

refractory material, or do you recommend some other concept? Would you respond differently for different containment types? If so, what differences would you recommend? How do your recommendations affect other safety considerations?

10. Should the NRC require design changes to account for increased radioactive material that may be transported during an accident by systems normally functioning with much lower levels of radioactivity such as the steam and residual heat removal systems and the containment drainage system?

11. Should the NRC require more extensive operator training, strict literal compliance with new and improved detailed operating procedures, increased reliability of emergency cooling or decay heat removal capability, and expanded control room minimum manning as alternatives or supplements to degraded cooling design improvements?

12. Should the NRC require an alternate, add-on, self-contained decay heat removal system to prevent degradation of the core or to cool a degraded core, in contrast to the previously discussed schemes which are aimed toward mitigating the consequences of degraded core cooling? How would such a decay heat removal system affect other safety considerations?

13. Should the NRC require systems such as the makeup and purification systems to be located in a leak-tight building? Would such a requirement add to or detract from overall plant safety?

14. What design, quality and seismic criteria would you recommend for any additional systems to prevent the potential breeching of containment such as systems for controlled filtered venting, hydrogen combustion control, and core retention mentioned in previous questions? Do you favor evaluating designs of such systems on a realistic basis, as opposed to the conservative method used to evaluate engineered safety features? Do you favor establishing design criteria for such systems that are equally stringent, less stringent, or more stringent than those applied to engineered safety features? Please explain your response in terms of criteria you would recommend, including consideration of redundancy, diversity, testability, inspectability, and structural design limits (including seismic requirements).

15. Can probabilistic analysis be used both as an aid in determining and comparing the adequacy and usefulness of the several features mentioned in previous questions and as an aid in determining the design criteria and reliability requirements for these features? How do you view the utility of quantitative risk analysis in better understanding the safety advantages and disadvantages of the several features mentioned in previous questions?

16. In weighing the costs of design and operational improvements to cope with degraded core cooling against the benefits of their use, what quantitative methods or other guidance would you suggest to facilitate preparation of a useful value-impact assessment? Would you consider useful or appropriate comparisons between nuclear power plant risks and other risks to which people are exposed?

17. What aspects of degraded cooling or melted-core accidents are sufficiently unknown or uncertain as to impede design and analysis of mitigating systems, thus requiring additional research or experimentation?

18. The NRC has under way a separate rulemaking proceeding concerning reactor siting and an emergency planning rule has recently been approved. If you are familiar with these separate activities, how would you modify present and proposed requirements for emergency planning and reactor siting if accidents beyond the present design basis were to be considered in nuclear power plant safety analyses?

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

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-30596 Filed 10-1-80; 8:45 am]

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October 2, 1980

Part III

Department of Transportation

Coast Guard

Deepwater Port Liability Fund

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 137 and 150

[CGD 79-158]

Deepwater Port Liability Fund

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to issue regulations on administration of the Deepwater Port Liability Fund (Fund) established for payment of claims for cleanup costs and damages arising from oil spills at deepwater ports, when those claims either exceed the liability of a deepwater port licensee or the owner or operator of a vessel at a deepwater port or when that liability is not met by those persons. These regulations are mandated by the statute authorizing the Fund.

DATE: Comments must be received on or before November 17, 1980.

ADDRESS: Comments should be mailed to the Commandant (G-CMC/24), U.S. Coast Guard Headquarters, Washington, D.C. 20593. Between the hours of 7:30 a.m. and 5:00 p.m., Monday through Thursday, comments may be delivered to and will be available for inspection or copying in Room 2418, 2100 Second Street, S.W., Washington, D.C. Also available for examination is the draft regulatory evaluation on which the economic summary in this document is based and a draft environmental assessment of the environmental impact of this rulemaking. Copies of comments received will be furnished to interested persons upon request and payment of the fees prescribed in 49 CFR 7.95.

FOR FURTHER INFORMATION CONTACT: Frank A. Martin, Jr., Pollution Liability Funds Management Staff, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 472-5052.

SUPPLEMENTARY INFORMATION: The Coast Guard invites the public to participate in this rulemaking by submitting written data, views, or arguments. Each person submitting comments should include name and address, identify this notice [CGD 79-158], the specific item or items being commented upon, and give detailed reasons for any suggestions, arguments, objections, or recommendations. Comments will be carefully evaluated before further action is taken to finalize the proposals in this notice. The proposals may be changed as a result of the comments received. Acknowledgement of individual comments will be made only if a stamped, self-addressed post card is enclosed. No public hearing is presently contemplated, but one may be scheduled if requested in writing by anyone raising a genuine issue. Under current Department of Transportation policies and procedures for improving government regulations (44 FR 11034-45 of February 26, 1979) this regulatory project is considered "non-significant".

Drafting Information

The principal persons involved in this rulemaking are Frank A. Martin, Jr., Project Manager, Pollution Liability Funds Management Staff, Office of Marine Environment and Systems, and Michael N. Mervin, Project Counsel, Office of Chief Counsel.

Background

A number of laws deal with the subject of marine oil pollution liability and compensation and cover pollution from a variety of inland, coastal, and ocean related sources. These laws authorize and establish four major federally administered funds that are available to pay certain claims for cleanup, removal, and damage costs incurred as a result of oil pollution incidents, generally when those costs exceed the liability of the discharger or are otherwise not recoverable from the party responsible for the pollution.

The Coast Guard has statutory responsibilities for overall management and administration of three of the four existing major pollution funds. These funds are: (1) the Pollution Fund under section 311(k) of the Federal Water Pollution Control Act, as amended, which provides for cleanup and removal of pollution by oil and hazardous substances; (2) the Offshore Oil Pollution Compensation Fund under Title III of the Outer Continental Shelf Lands Act Amendments of 1978, which pertains to pollution incidents arising in connection with Outer Continental Shelf activities; and (3) the Deepwater Port Liability Fund, the subject of this rulemaking action. The fourth major fund is the Trans-Alaska Pipeline Liability Fund which is administered by the holders of the trans-Alaska pipeline right-of-way under regulations issued by the Department of the Interior. This fund covers damages caused by pollution from vessels engaged in the transportation of oil from the terminal facilities of the Trans-Alaska Pipeline to a port under the jurisdiction of the United States where such oil is first landed.

The existing laws governing the above noted pollution funds do not provide a damages and removal cost liability and compensation regime that covers all potential sources of marine oil pollution. For example, while existing laws provide for cleanup and removal response authority for marine oil pollution from onshore facilities, they do not cover third party damages arising from such pollution. Also, existing laws do not provide uniformity in terms of liability and compensation for cleanup and removal costs and damages or in the adjudication and settlement of claims arising from marine oil pollution incidents.

There are various pending legislative initiatives which would ultimately consolidate all of the above individual funds in a manner which would provide a uniform and comprehensive liability and compensation scheme for both cleanup costs and damages caused by oil pollution emanating from almost any source. These legislative initiatives have been under development now for a number of years. The initiatives are currently receiving a renewed interest as both the present administration and Congress attempt to develop workable legislation encompassing the so called "Superfund" concept, possibly expanded to include pollution by hazardous substances as well as oil.

Coast Guard federal regulations which implement and guide activities of the Offshore Oil Pollution Liability and Compensation Fund and the 311(k) Pollution Fund are published in 33 CFR, Parts 135, 136, and 153, Subpart D. When the Offshore Oil Pollution Compensation Fund implementing regulations were developed in 1979, the Coast Guard recognized the similarities of concept embodied in certain "Superfund" legislative initiatives to that contained in the legislation authorizing the issuance of those regulations and established, where possible, requirements that might be useful if implementation of a "Superfund" is required at some future time. To the extent possible, this same approach will be utilized in the development of this rulemaking action, recognizing that there is presently only one deepwater port under construction that will be subject to the liability provisions of the Deepwater Port Act of 1974 (Act).

One deepwater port has been licensed and is under construction off the U.S. Gulf Coast. This port, LOOP, Inc. Deepwater Port, is approximately 18 miles south of Grand Isle, Louisiana. Initial oil transfer operations are scheduled to begin at LOOP in March 1981. Thus, it is the intent of the Coast Guard that this rulemaking action to implement and estalbish the procedures

governing the administration and operation of the Fund be finalized by the scheduled March 1981 LOOP startup. Counsel for LOOP and representatives from the State of Louisiana have been consulted in the development of the proposals in this notice.

General Discussion

The Fund requirements to be established in this rulemaking action are primarily procedural.

Many of the provisions of section 18, such as those establishing liability for deepwater port licensees and vessel owners and operators, and the defenses to liability, are clear of themselves and thus do not, in the Coast Guard's view, require implementation by regulation.

Other provisions, such as delivery of barrel fee collections to the Fund, and the procedures for the filing and payment of claims under the Act, require specific implementation.

Where possible, the Coast Guard intends to rely upon reference to certain of the established procedural requirements in its existing pollution liability and compensation regulations to carry out implementation and administration of the deepwater port fund.

Specific Discussion

The term "discharge" as used in the proposed regulations is defined in section 18(m) of the Act. Under the statutory definition, to have a "discharge" at a deepwater port, oil would have to escape into the marine environment from the equipment of the port facility or a vessel within any safety zone around such port in a quantity determined to be harmful under regulations issued by the Environmental Protection Agency (EPA). This issue is being examined and will be discussed further in the preamble to the final rule document.

Proposed Subpart B of Part 137 covers organization, administration, and management of the Fund as a federal program and identifies to the public the organizational structure, address, authorities and general Fund powers, duties and obligations.

Proposed Subpart C of Part 137, which addresses Fund revenues, accounting, and audit, implements section 18(f) of the Act by setting the procedure how a deepwater port licensee turns over to the Fund the barrel fees collected on oil throughput of the port. In this subpart, proposed § 137.205 states the basis upon which a licensee computes the barrel fees due the Fund. The licensee actually collects the barrel fees in accordance with section 18(f)(3) of the Act, i.e., from the owner of any oil loaded or unloaded at the port, at the time of loading or unloading.

Proposed § 137.207 addresses the forms of payment available to a deepwater port licensee and the timing of payments to the Fund. The fees due the Fund, if paid by check, draft, or money order, are payable on the fifteenth day of each month. A mid-month payment schedule coincides with the submission of the existing monthly oil throughput report (33 CFR 150.707 as modified by this rulemaking).

It also allows a licensee a reasonable time after the end of each month to tally and record throughput volumes of the preceding month, and to verify and receipt for barrel fees collected from the owners of oil. Monthly payments of fees should also permit maximum investment opportunities by the Fund Administrator.

Proposed § 137.209 provides for verification of payments by the Fund Administrator and allows licensees, as determined by the Fund Administrator, opportunity for making adjustments to correct for overpayments or underpayments to the Fund. The requirements concerning suspension of fees permitted by the Act are proposed in § 137.211 of Subpart C.

Proposed § 137.213 addresses the exclusion of bunker or fuel oil and Trans-Alaskan Pipeline System (TAPS) oil from the collection of barrel fees. In the legislative history of section 18 of the Act, Senate Report 93–1217, October 20, 1974, p. 56, the reason given for the exclusion of barrel fees on TAPS oil is that Congress did not want to create a disincentive that might bar the shipment of TAPS oil through deepwater ports because of a double pollution fee collection on such oil, i.e., $.05/bbl. to the TAPS Fund, and $.02/bbl. to the Deepwater Port Funds. A licensee is presently required by 33 CFR 150.757 to maintain an oil throughput log which contains information regarding each oil transfer operation conducted at the port. That information includes vessel nationality, owner, and date of arrival; country of origin of crude oil; and total quantity in barrels of oil transferred. By its vessel scheduling activities and the proper maintenance of the oil throughput log, a licensee should be able to determine with reasonable certainity which oil arriving at the port is not subject to collection of the barrel fee, and thus be able to meet the exclusion reporting requirement contained in paragraph (b) of proposed § 137.213.

Section 137.215 contains the requirements proposed for auditing the activities of a licensee which are associated with computation, charging, collecting, and payment to the Fund of the barrel fees.

Subpart D contains the requirements proposed to implement the vessel financial responsibility provisions in section 18(1) of the Act. The licensee financial responsibility requirements are controlled through appropriate conditions in the deepwater port licenses issued by the Secretary.

The deepwater port license issued to LOOP, Inc., under the Act requires the licensee to accept for mooring, except in circumstances of *force majeure*, and to accept cargo from only those vessels which: (1) have a Certificate of Financial Responsibility (Water Pollution) issued by the Federal Maritime Commission under section 311 of the Federal Water Pollution Control Act (FWPCA); and (2) evidence of insurance or surety bond sufficient to cover the vessel owner's or operator's liability under section 18 of the Act. The differences in the liability schemes set forth in the two statutes require this separate treatment.

The liability limitation under each statute is comparable although not duplicative. The right is available under section 311 FWPCA where the discharge was not the result of "willful negligence or willful misconduct within the privity and knowledge of the owner," and under section 18 of the Act where the discharge was not the result of "gross negligence or willful misconduct within the privity and knowledge of the owner or operator." The manner by which the dollar amount of the limitation is calculated is similar. Under each statute, the limitation amount is $150 per gross ton. However, under section 311 FWPCA the minimum limitation amount for a vessel carrying oil or hazardous substances as cargo is $250,000 and there is no maximum amount; whereas under section 18 of the Act, there is no minimum amount and the maximum amount is $20 million.

There are two more substantial differences in the liability schemes set forth in the two statutes—the scope of coverage and the defenses available to otherwise liable parties. Section 311 FWPCA establishes liability for "removal" costs incurred by federal or state authorities under that section and expenses incurred under the Intervention on the High Seas Act; whereas section 18 of the Act establishes liability for not only cleanup costs (including but not limited to such costs incurred by federal, state, local, and foreign authorities) but for damages (defined in 33 U.S.C. 1517(m)(2)) as well. There are five defenses available under section 311 FWPCA, which if solely the cause of the discharge will bar liability: (1) Act of God; (2) Act of war; (3) U.S.

Government negligence; (4) Act or omission of a third party; and (5) any combination of (1) through (4). However, under section 18 of the Act, there are two full defenses and one partial defense. An act of war or the negligence on the part of the federal government in establishing and maintaining aids to navigation, if the sole cause of the discharge, will bar liability for both cleanup costs and damages; whereas the negligence of a party asserting a claim for damages, if the sole cause of the injury giving rise to those damages, will bar liability for those damages.

The question of the relationship between the underlying financial responsibility evidence required for the two schemes has been identified. Comments and suggestions are specifically invited on how to best minimize the regulatory burden on the involved industries which these differences may impose.

The condition in licenses that the deepwater port licensee make checks of vessel documentation of financial responsibility is amplified in proposed Subpart D. Although a licensee will make these checks, the Coast Guard will be boarding vessels at deepwater ports from time to time and will carry the primary burden of enforcement in those cases where a vessel owner's or operator's documentation of financial responsibility is not in compliance with the Subpart D requirements.

Proposed §§ 137.303 and 137.305, prescribe how a vessel owner or operator should demonstrate financial responsibility for the liability under the Act.

Proposed § 137.307 would obligate the vessel owner or operator to make the financial responsibility documentation available, upon request at any time the vessel is in the safety zone, to licensees or the Coast Guard for examination. The Coast Guard recognizes that this manner of addressing vessel financial responsibility documentation and availability thereof for examination by the authorized representative of a licensee, could result in vessel arrival at the safety zone of a port as the first opportunity for a licensee's representative to check that documentation for compliance with the vessel financial responsibility requirements. If the documentation is found not to be in order, under license condition, the licensee must then not accept for mooring, or accept cargoes from, that vessel. Admittedly, this could possibly result in an undesirable situation in terms of navigational and environmental safety. However, the Coast Guard chooses not to burden vessel owners and operators through regulation to provide licensees with documentation of financial responsibility in advance of vessel arrivals at a safety zone. Alternatively, the Coast Guard feels that such arrangements may more appropriately be made directly by licensees and vessel agents, depending upon and in conjunction with such advance scheduling practices the licensee chooses to develop and establish for the port. Nevertheless, suggestions on how to better address this matter are welcome, keeping in mind that the overall intent of this proposed subpart is to provide a *reasonable* means by which the Coast Guard and a deepwater port licensee can verify the financial responsibility documentation for a vessel and that its owner or operator has, in fact, arranged for or obtained the requisite coverage in the amount of that owner's or operator's liability under the Act for both removal costs and damages.

Subpart E contains the requirements proposed for notification, designation, and advertisement actions in the event of a discharge of oil at a deepwater port.

Proposed § 137.403 prescribes to whom and how the notice of a discharge of oil at a deepwater port required by section 18(b) of the Act is given. The proposed requirements in this section generally parallel the established notification requirements for oil pollution incidents which fall under the Federal Water Pollution Control Act, as amended, or the Outer Continental Shelf Lands Act Amendments of 1978, Title III. The significant difference is that notification of a discharge of oil in connection with deepwater port activities, and the attendant information that goes with that notification, is given not only to the federal government, but also to the Governor of an adjacent coastal State. This regulatory requirement recognizes that the Congress places a special emphasis in the Act on ensuring a full federal-state cooperation with respect to all deepwater port activities.

The designation and advertisement requirements proposed in §§ 137.405 and 137.407 are less rigid than similar requirements that already exist for pollution incidents that occur as a result of Outer Continental Shelf (OCS) activities. The reason for this is that there is only one or perhaps two deepwater ports expected to be constructed as opposed to the large number of existing offshore facilities engaged in OCS drilling, exploration, and production activities. Further, deepwater ports are much more controlled in a manner which minimizes the risk of pollution and each such port must maintain a capability to immediately respond to a discharge. Thus, there is a lesser need to designate a source and advertise each time a minor operational discharge may occur. It is presently envisioned that the formal designation and advertisement requirements in proposed §§ 137.405 and 137.407 will be used infrequently, probably only in the more serious deepwater port discharges.

Proposed Subpart F of Part 137 implements the provisions of section 18(j) of the Act which call for the establishment, by regulation, of procedures for the filing and payment of claims for cleanup costs and damages under the Act. This subpart relies heavily upon already established claims settlement procedures contained in 33 CFR Part 136 for OCS pollution incidents, modified only to account for the differences in statutory authorities. This approach was taken by the Coast Guard in the interest of keeping the Fund regulations to a minimum and because the same organizational element of the Coast Guard is managing the claims settlement procedures of both the OCS Offshore Oil Pollution Compensation Fund and the Deepwater Port Liability Fund.

Of particular note in Subpart F is the proposed requirement in § 137.511 regarding damages that may occur as a result of a discharge of Trans-Alaska Pipeline System (TAPS) oil at a deepwater port. Should such damages occur, they would be compensated under the Deepwater Port Liability Fund. Therefore, if a discharge of TAPS oil occurs at the deepwater port, or from a vessel within the deepwater port safety zone, the deepwater port statute and regulations would govern the liability and compensation applicable. However, circumstances may arise in which it would be appropriate for the Fund Administrator to seek recovery under the TAPS Act for payments which might be made from the Fund in connection with a discharge of TAPS oil at a deepwater port.

Section 18(a)(2) of the Act requires that before assessing a penalty against a vessel owner or operator, or a licensee, for a discharge of oil that owner, operator, or licensee shall first be given notice and an opportunity for a hearing on such charge. The Coast Guard does not presently contemplate establishment as part of this rulemaking of any new regulations regarding the assessment of penalites and attendant procedures for violations of the Act and the rules promulgated thereunder. Should the need arise, a vessel owner, operator or

licensee would be afforded due process before the assessment of a discharge penalty through existing informal procedures of the Coast Guard found at 33 CFR 1.07.

Similarly, the existing 33 CFR 1.07 procedures are believed sufficient in cases where it would be necessary to assess the penalty for the violation under section 18(b) of the Act of failure to immediately notify the government of a discharge of oil at a deepwater port. Further, a failure by anyone having a duty or obligation to comply with any of the rules resulting from this regulatory project could result in the invocation of the remedies provided for under Section 15 of the Act. For example, if a licensee failed to make timely payments of the barrel fees collected and due the Fund, in the manner proposed in § 137.207 after those requirements become effective, such licensees could be subjected to the assessment of civil penalties under Section 15 of the Act of up to $25,000 per day that the payments are late.

The proposed changes to the existing requirements in 33 CFR §§ 150.707 and 150.709 are for clarification and primarily editorial in nature. The effect of the changes in these two sections is to delete Fund related requirements from the part of the Code of Federal Regulations which contains the deepwater port operational reporting requirements and put the Fund requirements in the proposed new Part 137. The requirements governing computation and payment of barrel fees, in existing § 150.707, are being moved to the proposed § 137.205. The remaining text of § 150.707 is clarified by including format of the oil throughout report, to whom, how, and where it is to be submitted, and the frequency of submission. The proposed changes to § 150.709 would delete the details regarding notification of a discharge from that section and merely cross-reference the reader to the proposed new § 137.401 for the details.

Regulatory Evaluation

The Coast Guard considers this regulatory action "non-significant" under the final regulatory policies and procedures established by the Department of Transportation and published at 44 FR 11034–45 of February 26, 1979. A draft regulatory evaluation has been prepared, copies of which are available for inspection or copying at the Marine Safety Council Commandant, G-CMC (see addresses).

In summary, the proposed regulations are considered to be primarily procedural in nature, to implement the statutory requirements of section 18 of the Act, and economic or other burdens on the public are minimal and derive from the statute rather than the proposed rules. Comments on the proposed rules suggesting alternatives should include an assessment of economic as well as other effects that the proposed rules, as well as their recommendations, may have on those subject to them.

Environmental Consequences

The Coast Guard has considered the environmental impact of the proposed regulations and has tentatively concluded that the impact will be insignificant. In accordance with Commandant Instruction M16475.1A of May 19, 1980, National Environmental Policy Act (NEPA) Implementing Procedures, this rulemaking action is categorically excluded from the need to prepare detailed environmental impact documents in support of this conclusion.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 33, Code of Federal Regulations, as follows:

1. In Subchapter M, Marine Oil Pollution Liability and Compensation, by adding a new Part 137, as follows:

PART 137—DEEPWATER PORT LIABILITY FUND

Subpart A—General

Sec.
137.1 Purpose.
137.3 Applicability.
137.5 Definitions.

Subpart B—Fund Organization, Administration, and Management

137.101 General.
137.103 Fund Administrator's authority.
137.105 Fund address.
137.107 Fund powers, duties, and obligations.

Subpart C—Fund Revenues, Accounting, and Audit

137.201 Purpose.
137.203 Applicability.
137.205 Computation of barrel fees due the Fund.
137.207 Payment of fees.
137.209 Adjustments.
137.211 Suspension of fee collections.
137.213 Oil excluded from fee collections.
137.215 Audit.

Subpart D—Vessel, Financial Responsibility

137.301 Purpose.
137.303 Financial responsibility documentation.
137.305 Certification contents.
137.307 Examination of documentation.

Subpart E—Notification, Designation, and Advertisement

137.401 Purpose.
137.403 Notification.
137.405 Designation.
137.407 Advertisement.

Subpart F—Claims Procedures

Sec.
137.501 Purpose.
137.503 General.
137.505 Information.
137.507 Time limit on filing claims.
137.509 Claims allowed.
137.511 Trans-Alaska Pipeline oil pollution.
137.513 Administrative review of claims.

Authority: Secs. 10(a), 18(j)(1), 88 Stat. 2137, 2144 (33 U.S.C. 1509(a), 1517(j)(1)); 49 CFR 1.46.

PART 137—DEEPWATER PORT LIABILITY FUND

Subpart A—General

§ 137.1 Purpose.

This part contains the policies, procedures, and administrative practices regarding the management and operation of the Deepwater Port Liability Fund and related requirements.

§ 137.3 Applicability.

This part applies to each person who—

(a) has been granted a license by the Secretary of Transportation to construct, operate, and maintain a deepwater port facility offshore of the United States;

(b) owns or operates any vessel using a deepwater port; and

(c) provides financial responsibility for any vessel using a deepwater port; and

(d) sustains an economic loss as a consequence of oil pollution from United States deepwater port activities.

§ 137.5 Definitions.

As used in this part—

"Act" means the Deepwater Port Act of 1974 (33 U.S.C. 1501–24);

"barrel" means 42 U.S. gallons at atmospheric pressure and 60° fahrenheit;

"Commandant" means the Commandant of the Coast Guard;

"Fund" means the Deepwater Port Liability Fund established by section 18(f)(1) of the Act;

"Fund Administrator" means the person to whom the authorities and functions of the Commandant as administrator of the Fund are delegated;

"Fund Claims Adjuster" means a persons authorized to receive, review, adjust, and pay claims on behalf of the Fund; and

"vessel" means any vessel moored at a deepwater port or within the designated safety zone of a deepwater port for the purpose of transferring or receiving oil.

Subpart B—Fund, Organization, Administration, and Management

§ 137.101 General.

(a) The Fund program is administered and managed by the Pollution Liability

Funds Management Staff within the Office of Marine Environment and Systems at U.S. Coast Guard Headquarters.

(b) The Chief of the Pollution Liability Funds Management Staff is the Fund Administrator of both the Deepwater Port Liability Fund and the Offshore Pollution Liability and and Compensation Fund established under Title II of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1811–24).

§ 137.103 Fund Administrator's authority.

(a) The Fund Administrator performs those functions assigned to the Secretary of Transportation under section 18 of the Act not reserved by the Secretary of Transportation or the Commandant.

(b) The Fund Administrator may redelegate and authorize successive redelegations of that person's authority under section 18 of the Act.

§ 137.105 Fund address.

The address to which correspondence relating to the Coast Guard's administration of the Fund should be directed, and the location of the Fund Administrator, is Pollution Liability Funds Management Staff (G–WF/44), U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593, (202) 472-5052.

§ 137.107 Fund powers, duties and obligations.

(a) The Fund Administrator conducts the activities of the Fund, including but not limited to the following; (1) Development, promulgation and timely revision of program policies and regulations incidental to implementation and administration of the Fund.

(2) Receipt and verification of Fund revenues comprising barrel fees and interest income earned on Fund investments of those fees.

(3) Verification and payment of costs and expenses reasonably necessary to the administration of the Fund and the settlement of claims against the Fund.

(4) Investment, as provided in section 18(f)(3) of the Act, of all Fund sums not needed for administration and the satisfaction of claims.

(5) Recovery of any monies to which the Fund is entitled as subrogee under circumstances set forth in section 18(h) (3) and (4) of the Act.

(b) The Fund Administrator determines the character and nature of Fund obligations and expenditures, except for cleanup costs incurred under section 18(c) of the Act or, respecting discharges in connection with activities under the Act, under section 311(c) of the Federal Water Pollution Control Act, and the manner in which those obligations and expenditures are incurred, allowed, and paid.

Subpart C—Fund Revenues, Accounting, and Audit

§ 137.201 Purpose.

This subpart contains the general requirements concerning the calculation and delivery to the Fund by deepwater port licensees the barrel fee revenues collected from the owners of oil loaded or unloaded at a deepwater port and the accounting for and audit thereof.

§ 137.203 Applicability.

(a) This subpart applies to each deepwater port licensee.

§ 137.205 Computation of barrel fees due the Fund.

Each deepwater port licensee shall compute the barrel fees due the Fund, at the rate of 2¢ per barrel, on the basis of the monthly oil throughput report required by § 150.707 of this chapter.

§ 137.207 Payment of fees.

(a) Each licensee shall make payments of barrel fees due the Fund and collected on the oil throughput of the port during the preceeding month by one of the methods listed in paragraph (b) of this section.

(b) Barrel fee payments due the Fund must be by—

(1) electronic transfer of funds as arranged with the Fund Administrator;

(2) certified check or draft on a solvent bank made payable to the U.S. Coast Guard and marked for deposit in the Deepwater Port Liability Fund; or

(3) money order drawn to the order of the U.S. Coast Guard.

(c) If a licensee uses the form of payment specified in paragraph (b) (2) or (3) of this section, the payment must be mailed or delivered to the Fund Administrator at the address listed in § 137.105 on the fifteenth of each month.

§ 137.209 Adjustments.

(a) The Fund Administrator reviews each payment to the Fund and notifies each licensee if any apparent discrepancies are found.

(b) In general, each licensee may make adjustments to correct mathematical errors resulting in either overpayment or underpayment of the fees due the Fund.

§ 137.211 Suspension of fee collections.

(a) When the Fund Administrator determines that the Fund balance has reached $100,000,000, and there are sufficient amounts above that level being generated on a monthly basis by Fund investments, available to sustain normal and routine administrative costs of the Fund and otherwise available to settle pending claims against the Fund, collection of the 2¢ barrel fee by any licensee may be suspended, but only when advised by the Fund Administrator.

(b) The Fund Administrator notifies each licensee by the fifteenth of the month if the collection of fees is to be suspended during the following month.

(c) In general, the collection of fees ceases at the end of the month following the month in which $100,000,000 has been accumulated in the Fund from any source.

(d) After any suspension of fee collections by the Fund Administrator, each licensee shall resume collection of barrel fees from the owners of any oil loaded or unloaded at the deepwater port operated by such licensee, at the time of loading or unloading, and resume the payments to the Fund as prescribed in § 137.207 when directed by the Fund Administrator.

(e) Any suspension of barrel fee collections under this section does not relieve a deepwater port licensee of the oil throughput reporting requirements in § 150.707 of this chapter.

§ 137.213 Oil excluded from fee collections.

(a) A deepwater port licensee shall not collect any barrel fees from the owner of any bunker or fuel oil for the use of any vessel, or any oil which was transported through the Trans-Alaska Pipeline System (TAPS).

(b) When making the barrel fee payments under the requirements in § 137.207, each licensee shall state in writing, at the time of each payment to the Fund, any variance in the number of barrels of oil reported and payment submitted that is attributed to any bunker or fuel oil or the TAPS oil referred to in paragraph (a) of this section that is excluded from barrel fee collections by that licensee.

§ 137.215 Audit.

(a) Each deepwater port licensee shall permit the Fund Administrator or his representative access, for purposes of audit, to all financial records, reports, and files, maintained by the licensee relevant to the computation, charging, collecting and payment to the Fund, including the oil throughput log required by § 150.757 of this chapter.

(b) To facilitate Fund audits, each licensee shall maintain separately from all other financial data relating to the operations of the deepwater port the financial data identified in paragraph (a) of this section pertinent to the Fund.

Subpart D—Vessel, Financial Responsibility

§ 137.301 Purpose.

This subpart contains the requirements concerning the financial responsibility of any owner or operator of any vessel using a deepwater port, in an amount sufficient to meet the liabilities imposed on such owner and operator by section 18(d) of the Act.

§ 137.303 Financial responsibility documentation.

(a) The owner and operator of each vessel calling at a deepwater port shall ensure that the Certificate of Financial Responsibility (Water Pollution), issued by the Federal Maritime Commission under section 311(p)(1) of the Federal Water Pollution Control Act, as amended, and the requirements contained in 46 CFR, Part 542, is current and on board the vessel whenever that vessel is within the safety zone of a deepwater port.

(b) In addition to the requirement in paragraph (a) of this section, the owner and operator of any vessel using a deepwater port shall ensure that there is maintained with respect to the vessel—

(1) Insurance (or self-insurance where elected) or surety bond coverage underlying financial responsibility adequate to meet the liability imposed by section 18(d) of the Act; and

(2) A valid certification, on board the vessel at all times when the vessel is in the safety zone of a deepwater port, that the underlying insurance (or self-insurance) or surety bond financial responsibility is in effect for the vessel.

(c) No document signed by or on behalf of a person who the Fund Administrator determines is not acceptable for purposes of providing the underlying financial responsibility shall constitute a valid certification for the purposes of paragraph (b)(2) of this section.

§ 137.305 Certification contents.

(a) The certification referred to in § 137.303(b)(2) may be in any form but must be dated and signed by the person, or authorized representative of the person, providing the insurance or surety (including the owner or operator where self-insurance is provided) and must include the following statements:

(1) _____
(Name of insurer or surety)
(hereinafter [the "Insurer"] [the "Surety"]) hereby certifies that, for the purposes of complying with the regulations in Subpart D of 33 CFR, Part 137, and the provisions of section 18(1) of the Deepwater Port Act of 1974 (hereinafter "Act"),
[_____
(Name of the vessel owner or operator)
["owner"] ["operator"], is insured by it]
[it has bonded as surety for

_____
(Name of the vessel owner or operator)
["owner"] ["operator"]], in respect of the

_____
(Name of the vessel)
against cleanup cost and damages liability to which such [owner] [operator] could be subjected under section 18 of the Act. The amount for which [insurance] [the surety bond] is provided is _____

_____
(Amount applicable to vessel—see Note 1.)

Note 1: Calculate amount applicable to vessel as $150 per gross ton or $20,000,000, whichever is lesser.

(2) The foregoing amount of [insurance coverage] [the surety bond] provided by the [Insurer] [Surety] in respect to

_____
(Name of the vessel)
is not conditioned or dependent in any way upon any agreement or understanding between the [owner] [operator] and the [Insurer] [Surety].

(3) _____,
(Name of agent)
with offices in the United States
located at _____
is hereby designated as the [Insurer's] [Surety's] United States agent for service of process for the pruposes of section 18 of the Act. If the designated agent cannot be served due to his death, disability, or unavailability, the Commandant, United States Coast Guard acts as the agent for the service of process.

(4) The [insurance] [surety bond] evidenced by this certification applies only to incidents occurring on or after the effective date and before the termination date of this certification, and only to incidents giving rise to claims under section 18 of the Act in respect to

_____
(Name of the vessel)

(5) The effective date of this certification is

_____
(Date and time)
This certification terminates at 0001 hours Eastern Standard Time on the thirtieth day following the date that written notice has been received by the Fund Administrator that the [Insurer] [Surety] has elected to terminate the [insurance] [surety bond] evidenced by this certification and has so notified the [owner] [operator]. However, if oil has been loaded as cargo on the

_____
(Name of vessel)
before the above date and time of termination, the termination shall not take effect until: (1) the oil so loaded has been completely offloaded; or (2) 0001 hours Eastern Standard Time on the sixtieth day following the date that written notice has been received by the Fund Administrator that the [Insurer] [Surety] has elected to terminate the [insurance] [surety bond] evidenced by this certification, whichever time is earlier. Termination of this certification does not affect the liability of the [Insurer] [Surety] in connection with a discharge of oil occurring before the date and time the termination becomes effective.

(6) If more than one insurer or surety joins in executing the certification, that action establishes joint and several liability on the part of all such insurers and sureties for cleanup costs and damages incurred by the [owner] [operator] under section 18 of the Act.

(7) The definitions contained in the Act and 33 CFR 137.5 apply to the language of this certification.

(8) _____
(name of [Insurer] [Surety])

_____
(Mailing address)
By: _____
(Signature of official signing on behalf of the [Insurer] [Surety])

_____
(Typed Name and Title of Signing Official)

(b) No provision contained in the certification referred to in paragraph (a) of this section may nullify, modify or limit the effect or intent of the statements listed in items (1) through (8) of that paragraph. Any such provision which may be construed as so nullifying, modifying, or limiting shall be void to the extent of such nullification, modification or limitation.

(c) The owner or operator for whose benefit the certification referred to in paragraph (a) of this section has been made shall provide a copy of the certification to the Fund Administrator at the address listed in § 137.105 immediately following its execution.

§ 137.307 Examination of documentation.

The owner or operator of each vessel calling at a deepwater port shall ensure that the financial responsibility documentation required by this subpart is made available for examination to the authorized representative of a licensee or any Coast Guard officer, upon the request of that representative or officer at any time the vessel is in the safety zone.

Subpart E—Notification, Designation, and Advertisement

§ 137.401 Purpose.

This subpart contains the requirements concerning—

(a) The notice of a discharge of oil under section 18(b) of the Act;

(b) Designation of the source of a discharge of oil; and

(c) Advertisement for the submission of claims by the public.

§ 137.403 Notification.

(a) The person in charge of a vessel or a deepwater port that is involved in an actual or imminent threat of a discharge

of oil in violation of section 18(a)(1) of the Act shall, as soon as that person has knowledge thereof, immediately notify by telephone, radiotelecommunication, or a similar rapid means of communication, the Fund Administrator and the Governor of each adjacent coastal State.

(b) The notification requirement in paragraph (a) of this section is met if the notice generally complies with §§ 135.305 and 135.307 of this chapter, and, in addition, explicitly provides that same notification and information to the Governor of each adjacent coastal State, or that official's authorized representative.

§ 137.405 Designation.

(a) When the Fund Administrator receives information under § 137.403, or otherwise, of a discharge of oil, that official formally designates the source of the discharge, if appropriate, and immediately notifies the involved deepwater port licensee or vessel owner or operator.

(b) The designation of the source of a discharge is based on: (1) The magnitude of the reported discharge of oil.

(2) The immediate response actions undertaken by the discharger to abate, cleanup, and remove the pollution.

(3) The potential for damage claims that may result from the discharge against either the source of the discharge or against the Fund.

(c) If the Fund Administrator determines that a formal designation of the source of a discharge of oil is appropriate, designation is effected as prescribed in § 135.309 of this chapter.

(d) Any deepwater port licensee or vessel owner or operator designated as the source of a discharge of oil may contest the designation in the manner prescribed in § 135.311 of this chapter.

§ 137.407 Advertisement.

(a) In general, advertisement associated with the discharge of oil from a deepwater port or a vessel within the safety zone of a deepwater port is governed by the requirements contained in §§ 135.313 through 135.319 of this chapter.

(b) Each licensee of a deepwater port, or owner or operator of a vessel, which has been designated as the source of a discharge of oil, shall advertise the designation and the procedures by which claims may be presented to them in the manner determined by the Fund Administrator.

(c) Advertisement under this section shall be appropriate to the geography and demography of the area affected, or potentially affected, by the discharge.

(d) In the case where the licensee or owner or operator of a designated source denies designation, or fails to advertise in accordance with this section, the Fund Administrator, if necessary, advertises or otherwise notifies potential claimants of the procedures by which claims may be presented to the licensee, owner, or operator, or to the Fund.

Subpart F—Claims Procedures

§ 137.501 Purpose.

(a) This subpart contains the procedures for the filing and payment of claims for cleanup costs and damages resulting from a discharge of oil at a deepwater port.

§ 137.503 General.

(a) Except where modified or supplemented by the provisions of this subpart, or excepted in paragraph (b) of this section, the requirements in Part 136 of this chapter, Offshore Oil Pollution Compensation Fund Claims Procedures, apply to the settlement and adjudication of claims against a deepwater port licensee, the owner or operator of a vessel, or the Fund.

(b) The following sections of Part 136 of this chapter have no bearing upon the filing for, processing, and payment of claims authorized under section 18 of the Act: (1) Subpart A—§§ 136.1 through 136.7;

(2) § 136.101; and

(3) § 136.301.

§ 137.505 Information.

Any person who desires to file a claim against the Fund may obtain information and specific guidance from the Fund staff by writing to Pollution Liability Funds Management Staff (G-WF/44), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, or calling (202) 472-5052.

§ 137.507 Time limit on filing claims.

(a) A claim for payment of cleanup costs or damages is not considered by the Fund unless presented, in writing, within three years after the date of the discharge giving rise to such claim.

(b) When necessary to meet the filing requirements in paragraph (a) of this section, a claim may be presented to the Fund even though the claim has been presented to and is under consideration by the deepwater port licensee, or the owner or operator of a vessel designated as the source of the discharge, or any other person.

(c) A claim is considered presented on the date the claim is actually received by a Fund Claims Adjuster or the Fund Administrator.

§ 137.509 Claims allowed.

(a) Claims for economic loss, arising out of or directly resulting from a discharge of oil, may be presented for—

(1) Cleanup costs; and

(2) Damages, including—

(i) Injury to, or destruction of, real or personal property;

(ii) Loss of use of real or personal property;

(iii) Injury to, or destruction of, natural resources;

(iv) Loss of profits or impairment of earning capacity due to injury to, or destruction of, real or personal property or natural resources;

(v) Loss of tax revenue for a period of one year due to injury to real or personal property; and

(vi) Any other economic loss considered appropriate by the Fund Administrator.

(b) [Reserved.]

§ 137.511 Trans-Alaska pipeline oil pollution.

Damages from a discharge of Trans-Alaska pipeline oil from a deepwater port or from a vessel in the safety zone around the port are compensated in accordance with section 18 of the Act and the requirements of this part.

§ 137.513 Administrative review of claims.

(a) Denial of a claim may be reviewed by an administrative law judge in accordance with the Administrative Procedure Act (5 U.S.C. 554), section 18 of the Act, and the regulations in this part.

(b) The applicable procedures concerning administrative review of claims are as specified in §§ 136.303 through 136.309 of this chapter except there is no review conducted by a panel appointed by the Secretary of Transportation.

2. In part 150, Subpart G, by revising §§ 150.707 and 150.709 respectively to read as follows:

§ 150.707 Oil throughput report.

(a) Each deepwater port licensee shall mail or deliver to the Administrator of the Deepwater Port Liability Fund, at the address listed in § 137.105 of this chapter, and the District Commander, on a monthly basis, beginning the fifteenth day of the month immediately following the commencement of oil transfer operations, and the fifteenth of each month thereafter, a report on the oil throughput of the deepwater port.

(b) The oil throughput report required by paragraph (a) of this section may be submitted in any format but must contain the volume of oil cargo, measured in barrels, shipped through

the deepwater port during the previous month.

§ 150.709 Report of discharge of oil.

The person in charge of a deepwater port or a vessel that is within the safety zone or moored at a deepwater port shall, as soon as that person has knowledge of an actual or imminent threat of a discharge of oil, immediately report such information in the manner prescribed in § 137.403 of this chapter.

(Secs. 10(a), 18(j)(1), 88 Stat. 2137, 2144 (33 U.S.C. 1509(a), 1517(j)(1)); 49 CFR 1.46)

Dated: September 29, 1980.

W. E. Caldwell,

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

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Part IV

Environmental Protection Agency

Air Pollution Control, Nitrogen Oxides Emission Standards; Application for Waiver of 1981-82 Model Year Light-Duty Diesel Motor Vehicles and Engines

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1610-2]

Application for Waiver of the 1981-82 Model Year Oxides of Nitrogen Emission Standard for Light-Duty Diesel Motor Vehicles—Third Decision of the Administrator

I. Introduction

This is the third decision I have issued under section 202(b)(6)(B) of the Clean Air Act, as amended (Act)[1] regarding applications from automobile manufacturers for waiver of the 1.0 gram per mile (GPM) oxides of nitrogen (NO_x) emission standard scheduled to apply to 1981 and subsequent model year light-duty diesel vehicles and engines.[2]

As the introductions to the first two diesel NO_x waiver decisions explains, section 202(b)(1)(B) of the Act establishes the standards applicable to NO_x emmissions from light-duty vehicles and engines manufactured during and after model year 1977.[3] This section requires the Administrator of the Environmental Protection Agency (EPA) to promulgate regulations containing standards which provide that NO_x emissions may not exceed 2.0 gpm for model years 1977 through 1980, and may not exceed 1.0 gpm for 1981 and later model years.

Section 202(b)(6)(B) of the Act provides that, upon the petition of a manufacturer, the Administrator may waive the 1.0 gpm NO_x standard to a level not to exceed 1.5 gpm, for any class or category of diesel-powered light-duty vehicles and engines manufactured during the four model year period beginning with model year 1981. In order to obtain a waiver, the manufacturer must show that the waiver is necessary to permit the use of diesel engine technology in the class or category of vehicles or engines for which it has requested a waiver. Moreover, the Administrator must determine:

(i) That such waiver will not endanger public health,

(ii) That such waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act ("EPCA"), and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under EPCA at the expiration of the waiver.[4]

On April 8, 1980, I received an application from Isuzu Motors Limited (Isuzu) for waiver of the 1981 and 1982 1.0 gpm NO_x standard for its 1.8 liter (L) diesel engine family. EPA held a public hearing on this application on May 8, 1980. The transcript of this hearing, the materials submitted by the applicant in its waiver request, and all other information upon which I have based my decision on this set of waiver requests, including the technical appendix cited below, are included in EPA Public Docket EN-80-6.[5]

II. Summary of Decision

A. Waiver Applications Denied

The application which I have decided to deny covers the following engine family for the model years specified:

Waiver Applications Denied

Manufacturer	Model year	Engine family
Isuzu	1981, 1982	1.8

As discussed more fully below, I have concluded that Isuzu's application covering this engine family has failed to meet all the statutory criteria for receiving a waiver for the years noted. Specifically, Isuzu failed to establish that the waiver is necessary to permit the use of diesel engine technology for its 1.8L engine family.

III. Discussion

A. Assessing Need for Waivers

Section 202(b)(6)(B) of the Act expressly assigns to an applicant the burden of showing that the waiver is necessary to permit the use of diesel engine technology in a particular class or category of vehicles or engines. The major issue I must address under this criterion is whether the applicant has shown that unless I grant the waiver, the engine family which the waiver request covers will not be able to meet applicable emission standards, even with the addition of any device, equipment or aspect of diesel engine technology presently available or expected to become available during the period covered by the waiver request.[6]

1. Decision Methodology

The methodology this decision employs to assess an engine family's need for a waiver is the same as the methodology I used in my first two consolidated diesel NOx waiver decisions.[7] This methodology includes an evaluation of the effect of NOx emission controls on emissions of particulate matter. This evaluation relies on information supplied by Isuzu in this proceeding, and by parties commenting in the diesel particulate rulemaking proceedings,[8] as well as on other information contained in the record for this decision.

2. Isuzu's Application

Isuzu has reached a stage in its development of NOx emission controls at which it has narrowed the range of strategies it contemplates employing to meet the applicable emission standards[9] to, at most, a few alternative systems to support its contention that a waiver is necessary to permit the use of diesel technology for its 1.8L engine family. Isuzu has provided descriptions of the systems it has been considering in efforts to meet 1981 and later model year emission standards.

Isuzu has concentrated its development efforts on the following two NOx emission control techniques: engine modification, with the emphasis of fuel injection timing adjustements and combustion chamber redesign, and exhaust gas recirculation (EGR). Esuzu stated that engine modifications offered some promise of achieving the 1.0 gpm NOx standard, but it also asserted that the engine modifications resulted in a NOx/hydrocarbon (HC) tradeoff that made simultaneous attainment of the statutory HC and NOx standards more difficult.[10] Isuzu also noted that in

[1] 42 U.S.C. 7521(b)(6)(B) (Supp. I 1977).

[2] The first consolidated decision was published at 44 FR 5480 (January 23, 1980) (hereinafter "Orig. decision"). The second consolidated decision was published at 45 FR 34718 (May 22, 1980) (hereinafter "Second decision").

[3] 42 U.S.C. 7521 (b)(1)(B) (Supp. 1 1977). See the first diesel NO_x waiver decision for a discussion of the statutory history leading up to this provision. Orig. decision at 5480, n.1.

[4] For a discussion of the Congressional purpose behind this provision, see the discussion accompanying notes 2 and 3 of my original decision at 5480. EPA published guidelines for the submission of applications under this waiver provision at 43 FR 30341 (July 14, 1978) (hereinafter "Guidelines").

[5] EPA Public Docket EN-80-6 can be found in EPA's Central Docket Section, Gallery I, 401 M St., S.W., Washington, D.C. 20460. Copies of materials in the docket, including the technical appendix, may be obtained by writing to this address at Mail Code (A-130).

[6] Guidelines, at 30342. Beginning in the 1981 model year, applicable statutory standards will be 0.41 gpm hydrocarbons (HC), 3.4 gpm carbon monoxide (CO), and 1.0 gpm NOx. Beginning in the 1982 model year, the light-duty diesel vehicle particulate standard of 0.6 gpm takes effect. That standard becomes 0.2 gpm as of the 1985 model year. 45 FR 14496 (March 5, 1980).

[7] For a more complete discussion of the methodology employed, see Orig. decision at 5484-5485.

[8] EPA Public Docket No. OMSAPC-78-3.

[9] See footnote 6.

[10] Isuzu Motors Limited Application for Waiver of the NOx Emission Standards for Light-Duty Diesel

Footnotes continued on next page

comparison to 1981 durability vehicle calibrations, certain engine modifications adversely affected vehicle performance characteristics, with increased smoke emission, cold startability difficulties, or idling noise.[11]

As a result of the difficulties Isuzu perceived in utilizing engine modifications as its primary method of NOx control, Isuzu stated that it has shifted the emphasis of its efforts to developing EGR systems which it now considers its primary NOx control strategy.[12] According to Isuzu, its EGR systems are very effective in meeting the 1.0 gpm NOx standard, but they create engine durability difficulties.[13] Isuzu, therefore, does not plan to use EGR emission control systems on its 49-state vehicles until model year 1983, although it does plan to market vehicles equipped with EGR systems in its limited California production in the 1982 moel year.[14]

For the 1981 model year, the analysis in Appendix A projects that vehicles in this engine family without EGR NOx control systems could certify at a 1.0 gpm NOx standard by incorporating the currently available technological improvement of advanced injection timing.[15] As stated in my first waiver decision, the technical analysis assesses the ability of an engine family to meet applicable exhaust emission standards in the 1981 model year for all three regulated pollutants.[16] Thus, my determination that vehicles in this engine family are capable of certifying at a 1.0 gpm NOx standard also relies on the results of the technical analysis which indicates that these vehicles can meet the statutory standard for HC and carbon monoxide (CO) as well. Although the tradeoff in NOx/HC control asserted by Isuzu was noted, it was not severe enough to prevent these vehicles from being capable of simultaneously achieving both the NOx and HC standards when the factor for injection timing was applied.[17]

Isuzu also asserted that engine modifications, including injection timing adjustments, caused adverse vehicle performance characteristics.[18] The difficulties Isuzu noted, however, generally are associated with injection timing retard adjustments, not with an injection timing advance similar to that of the factor applied.[19] The data Isuzu submitted did, in fact, relate only to performance characteristics associated with injection timing retard adjustments. Thus, there is no evidence to establish that this engine family will encounter significant performance difficulties when injection timing advance is applied.

Additionally, Isuzu stated that this engine family needs a waiver of the 1.0 gpm NOx standard in order for Isuzu to have adequate confidence that production vehicles of this engine family would meet applicable NOx emission requirements.[20] The design target data which Isuzu has submitted to support its position do not necessarily show that without a waiver of up to 1.5 gpm this engine family will not be able to meet applicable NOx emission requirements in production. Specifically, Isuzu has submitted no data indicating what design targets might be required to safely meet the 1.0 gpm NOx standard in production for a vehicle of this engine family equipped with a NOx control system incorporating an injection timing advance adjustment.[21] Thus, I cannot conclude that vehicles of this engine family could not certify to 1.0 gpm and meet this standard in production as projected by our technical analysis.

My conclusion on this matter is the same for the 1982 model year. Specifically, the technology available to Isuzu's 1.8L engine family to meet the 1.0 gpm NOx standard in the 1981 model year will still be available in the 1982 model year. As a result, I am denying Isuzu's request for waiver of the 1981 and 1982 model year NOx standard for its 1.8L diesel engine family.

B. Endangerment to Public Health

According to the express terms of the statute, there is no need for me to determine whether waiver applications covering engine families for which applicants failed to establish the unavailability of effective control technology meet any of the remaining statutory criteria in order for me to deny these applications. The Act requires me to deny waiver applications where an applicant has failed to meet any one of the criteria, regardless of whether such applicant could meet the remaining criteria. Nevertheless, I will address these issues briefly in the course of discussing the remaining criteria.

My main health concern in these proceedings relating to emissions from diesel engines is over potential increased emissions of diesel particulates and focuses on the potential for an increase in the incidence of respiratory ailments, and the potential that organic components of the diesel particulates are carcinogenic.[22] These concerns warrant action, where appropriate, that would minimize particulate emissions from light-duty diesels.

It is also undisputed that the projected increase in diesel light-duty vehicle production will increase ambient total suspended particulates and consequently human exposure to respirable particulates.[23] This fact underscores my concern for action minimizing particulate emissions from light-duty diesels.

In my first two consolidated decisions, I noted that to the extent that waivers are granted, the applicants will be able to market diesel vehicles that emit more particulates than would

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Footnotes continued from last page
Engines, dated April 1, 1980 (hereinafter "Isuzu App.") 1-3; transcript of May 8, 1980 Public Hearing on Isuzu NOx Waiver Application (hereinafter "Tr.") 12.

[11] Isuzu App., p. I-3, II-83, II-84; Tr. 12.

[12] Isuzu App., p. I-4; Tr. 12.

[13] Isuzu has submitted informtion showing that its EGR-equipped vehicles exhibit what it considers unacceptable amounts of camshaft and ring wear, valve seat dents, and inlet port carbon accumulations. Isuzu App., I-4, II-22, II-27, II-117 through 121; Tr. 29, 36. Although design modifications have resulted in some progress towards correcting these problems, Isuzu still considers the difficulties significant enough to warrant a cautious approach with the use of EGR. Tr. 23, 25, 31-32.

[14] Tr. 22.

[15] Isuzu's preferred 1981 calibration for injection timing is 11 degrees. The factor for injection timing employs a 14 degree setting; a three degree advance. See Appendix A, § IV. The factor was developed using exhaust emissions data provided by Isuzu in its application. See Isuzu App., B-15-1.

[16] Orig. decision at 5484.

[17] See Appendix A, Table II-2, § II for the exact passing percentages for each pollutant for this engine family.

[18] See footnote 13.

[19] Appendix A, § IV.

[20] Isuzu submission at May 8, 1980 public hearing.

[21] Isuzu stated that it calculates a low-mileage design target for a system to meet in conjunction with a given emission standard based in part on the emission value mean and likely variability demonstrated by low-mileage tests on vehicles using that system. Isuzu submitted low-mileage emission data, but only on prototype vehicles not employing injection timing adjustments similar to that of the applied factor. Thus, the emission value mean and likely variabilities associated with those data would not be representative of emission characteristics of vehicles using the available able technological improvement which could enable this engine family to meet the 1.0 gpm NOx standard in production. See Isuzu submission at May 8, 1980 public hearing.

[22] Orig. decision at 5489; second decision at 34722. Although there is no current definitive epidemiologic evidence establishing cancer risk from exposure to diesel particulates, the uncertainty surrounding the potential health risk posed by diesel particulates warrants a cautious approach in regulating the vehicles which produce them. See discussion in Orig. decision at 5490. Moreover, in my first two waiver decisions I concluded that the impact on ambient NOx levels and the projected annual decrease in ambient NO_2 levels would not be significant. However, to the extent that I can avoid permitting any additional increase in NOx emissions by denying the waiver, it is no less protective of the public health to do so insofar as that pollutant is concerned. See Orig. decision at 5488-89; second decision at 34722.

[23] Diesel-powered vehicles emit particulates at a far greater rate than catalyst-equipped gasoline-powered vehicles. Orig. decision at 5489-5490; second decision at 34722.

gasoline-powered vehicles. However, my assessment of the risk posed by these emissions must be made in light of the potentially greater risk posed by the particulate emission levels that might result from waiver denial.[24] If I deny a waiver, an applicant may attempt to manufacture the diesels and successfully certify them in compliance with the 1.0 gpm NOx standard. As part of an all-out effort to market vehicles complying with a 1.0 gpm NOx standard a manufacturer might decide to incorporate technology that places upward pressure on particulate emissions.[25] This is the type of health risk I sought to avoid in my first two decisions.

In those decisions there was a substantial risk that the applicants would employ EGR, or higher rates of EGR, to attempt to achieve compliance with a 1.0 gpm NOx standard, thus causing upward pressure on particulate emission which could result in total particulate emissions being greater than if the waivers were granted. My decisions were based on this fact, and the fact that granting NOx waivers for those applicants to levels above 1.0 gpm would probably preclude the need for those technologies that placed upward pressure on particulates.

Isuzu indicated that it has already begun its marketing program in the U.S. for is diesel vehicles, including the establishment of a new dealer network.[26] Moreover, Isuzu has recently formed a joint venture in California with a leading Japanese trading company, C. Itoh & Co., Ltd., to ensure successful distribution of these vehicles. While Isuzu has a strong incentive to attempt to certify and market its diesels even without a waiver, the likelihood is significantly less than Isuzu will choose to produce EGR-equipped vehicles than that it will employ injection timing advance adjustments similar to the factor previously mentioned because Isuzu has several disincentives against choosing the former alternative.

The injection timing advance adjustment is a relatively minor, inexpensive calibration change that is currently available to Isuzu without additional major development work.[27] On the other hand, to mass produce EGR-equipped vehicles would involve considerable time and expense with no guarantee that these vehicles would be ready by the 1981 model year. Moreover, Isuzu has submitted data indicating that the remaining durability problems raise at least some doubt regarding whether Isuzu will be capable of producing EGR-equipped vehicles with acceptable durability characteristics even on a limited basis for the California market in the 1982 model year.[28] To resolve the remaining durability problems by model year 1981, Isuzu would have to incur the costs associated with accelerating its research and development program almost two years. The information submitted by Isuzu indicates it does not consider this a viable alternative.

EPA's analysis of Isuzu's data for its non-EGR equipped vehicles shows these vehicles emit significantly less particulates than do the EGR-equipped vehicles.[29] Since the disincentives for Isuzu to utilize EGR-equipped vehicles to meet the 1.0 gpm NOx standard are so great, if Isuzu chooses to produce diesels it is quite likely that even without the waiver Isuzu will utilize the injection timing advance adjustment which I have no evidence will place any upward pressure on particulate emissions.[30]

As a result, the considerations that led me to conclude in my first two decisions that granting a waiver in certain cases would be more protective of the public health, are not present here.[31]

C. Fuel Economy and Long-Term Air Quality Benefit

Fuel economy and long term air quality considerations are contained in the second and third criteria of section 202(b)(6)(B).[32] I conclude that Isuzu's engine family will be capable of meeting or bettering the fuel economy standards both in the short and long term even if Isuzu applies the factor for injection timing as a result of the waiver denial.[33] I also conclude that Izusu's engine family has the capability for long term air quality benefit.[34]

D. Final Decision

Section 202(b)(6)(B) of the Act grants me the authority to waive the statutory standard of 1.0 gpm NOx and to prescribe interim standards which provide that NOx emissions may not exceed 1.5 gpm for any class or category of diesel light-duty vehicles or engines manufactured during model years 1981, 1982, 1983, and/or 1984 which meet the statutory waiver criteria. Based upon the foregoing discussion I am denying the requested waiver of the 1.0 gpm NOx standard for Isuzu's 1.8L engine family, for model years 1981 and 1982.

Dated: September 25, 1981.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

[FR Doc. 80-30643 Filed 10-1-80; 8:45 am]

BILLING CODE 6560-01-M

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[24] Orig. decision at 5490; second decision at 34722.

[25] Since the 0.6 gpm particulate standard does not take effect until 1982 (see footnote 6) a manufacturer could arguably increase the EGR rate in its 1981 model year diesel vehicles, thereby lowering the NOx emissions from those vehicles below the 1.0 gpm standard, without concerning itself with violating any particulate standard. Moreover, the particulate standard I promulgated for the 1982 model year is a technology-based standard that reflects the greatest degree of particulate emission reduction achievable through the application of technology which I have determined will be available for a given model year, considering lead time and other constraints. 42 U.S.C. 7521(a)(3)(A)(iii). An upward pressure on particulate emissions from increasing the EGR rate still could present a risk to the public health, even though the increse in particulate emissions would not cause a manufacturer to be in violation of a particulate standard.

[26] Tr. 30–31, 50–51. See also "Isuzu Forms U.S. Firm to Sell Diesel Vehicles," *Automotive News*, June 1980, p. 2.

[27] Appendix A, § IV.

[28] Isuzu App., p. I–2; Tr. 11, 22, 23.

[29] Appendix A, § IV.

[30] My decision here does not address whether or not Isuzu would receive a waiver if it could meet the statutory NOx standard only by employing technology which would place upward pressure on particulates. If Isuzu encounters unforeseen difficulties in achieving a 1.0 gpm NOx standard through the use of a method which does not put upward pressure on particulates, Isuzu may request a reconsideration of this denial.

[31] Isuzu's situation is distinguishable from the situation of, for example, either Peugeot or VW in my last NOx waiver decision. See 45 FR 34718, 34722–3 (May 22, 1980). If I had denied Peugeot's waiver request, there was a significant risk that Peugeot would have increased its base EGR rate to attempt to achieve compliance with a 1.0 gpm NOx standard, and gone ahead with production since there were no durability or other significant difficulties associated with such an adjustment. This adjustment, however, would have increased particulate emissions. Thus, it was more protective of the public health to grant the waiver and preclude the necessity of increasing the EGR rate to meet a more stringent NOx standard.

In VW's case, if I had denied the waiver request, VW had significant incentives to go ahead with production utilizing "concepts" that employed EGR, since VW's data indicated that these concepts proved the most promising in terms of NOx emissions control. These "concepts" however, exhibited significantly higher particulate emissions than did the non-EGR "concepts" that VW planned to introduce in the waiver model years. Thus, in VW's case it was also more protective of the public health to grant the waiver, thereby limiting the likelihood that VW would decide it needs to use a concept employing EGR to attempt to meet a 1.0 gpm NOx standard.

[32] Clean Air Act, as amended, § 202(b)(6)(B)(ii) and (iii), 42 U.S.C. 7521(b)(6)(B)(ii) and (iii) (Supp. I 1977). See discussion accompanying footnotes 3–5 of my original decision at 5480.

[33] Appendix A, § IV, VI; Isuzu App. I–5, IV–1; and Tr. 13.

[34] Appendix A, § II. The technical analysis shows that vehicles in Isuzu's 1.8L engine family are capable of meeting the 1981 and later model year exhaust emission standards.

Reader Aids

Federal Register

Vol. 45, No. 193

Thursday, October 2, 1980

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NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

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Rules Going Into Effect Today

CIVIL AERONAUTICS BOARD

53366 8-11-80 / Uniform system of accounts and reports for certificated air carriers; elimination of schedule T-41

FEDERAL COMMUNICATIONS COMMISSION

58539 9-4-80 / FM broadcast station in Big Rapids, Mich.; changes made in table of assignments

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commission—Office of Assistant Secretary for Housing—

60425 9-12-80 / Condominium ownership mortgage insurance; existing single family units

LABOR DEPARTMENT

Office of the Secretary—

58312 9-2-80 / Redwood Employee Protection Program; implementation

List of Public Laws

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H.R. 3292 / Pub. L. 96-366 Fish and Wildlife Conservation Act of 1980. (Sept. 29, 1980; 94 Stat. 1322) Price $1.25.

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